194

उपसभापति महोदय, सही मालुम होना हमारे लिए मुश्किन है। हम मालूम करने की कोशिश करेंगे, जब मालम हो जाएगा तो बता देंगे। ऐसा नहीं है कि हमारे पास मशीनरी नहीं है मालम करने के लिए, किन्तु इसमें देर लगती है।

उन्होंने कहा कि इसमें बाहर की ताकतो का हाथ है। बाहर की ताकतों का हाथ है कि नहीं यह कहना मध्किल है।

श्री पीताम्बर दास (उत्तर प्रदेश): मुश्किल तो नहीं है, कहना वाजिब नही है कहिए।

श्री सरेन्द्र पाल सिंह: वाजिब भी नही है। यह बात सही है कि जो भी ताकते या जो भी मल्क पाकिस्तान को इस मौके पर हथियार देते हैं वह हमारी इमदाद नहीं कर रहे हैं चाहे वह अम-रीका हो, ईरान हो, चीन हो, या रूस हो। जो भी ताकत इस मौके पर कोशिश करेगी कि पाकि-स्तान को हथियार दिये जायें उससे शांति प्रयत्नो में बाधा होती है। वह बजाय समझौना करने के इस तरह की बातें करते हैं श्रीर तरह तरह की बाधाये डालते हैं।

माननीय सदस्य ने कहा कि भट्टो साहब आनी जानी शै हैं। हम नहीं कह सकते कि ग्रानी जानी शै है कि नही। जो कुछ मौजूद हो हमें उनसे बातचीत करनी है। जब तक भुट्टो साहब वहां बरसरे इक्तदार है हमें उनसे बातचीत करनी है। हम नही कह सकते कि उनके पीछे कौन है, किसके हाथ में ताकत है, किसके नही यह हम नही कह सकते।

उन्होंने प्रपोगंडा के बारे में कहा था। हम कह चके हैं कि पब्लिसिटी जारी है, जो कुछ भी गलत बात कही जाए उसका हम खंडन करते हैं।

PERSONAL EXPLANATION BY MINIS-TER REGARDING DISCUSSION RE-LATING to M/S KARNATAK EX-PORT HOUSE

MINISTER OF THE RAILWAYS (SHRI L. N. MISHRA): Mr. Deputy Chairman, Sir, some of my colleagues of this 19 R.S.S. †73-7.

House gave me an account yesterday about discussions relating to M/s. Karanatak Export House. I also saw this morning vesterday's uncorrected proceedings of Rajya Sabha.

I must say that the tenor of the discussion has pained me particularly because the uncharitable observations emanated from some honourable Members belonging to my own party.

Mr. Deputy Chairman, Sir, I categorically state that I have no connection with the misplacement or loss much less the alleged destruction of this or any other file. According to the circular dated 25th April, 1973 issued by an officer of the Ministry of Commerce which was read out by one of the Hon'ble Members vesterday, the file had come to me in connection with the Parliamentary Question some six months back.

It is a common knowledge that during the Parliamentary session, large number of files relating to Parliament Questions come to the Minister's office and all these have expeditiously to be return to the parliament Section after the Minister had approved the replies

yesterday's discussion I enquiry from my personal staff, most of whom with me in the Ministry of Foreign Trade and they confirmed that they had no knowledge about loss or misplacement ot the file in question nor any file had repending with them at the time when I left my former charge.

You are well aware, Mr. Deputy Chatrman, that Ministers do not keep personal custody of papers much less supervise the movements, nor it is physically possible to do so.

About this particular file in question I would once again like to strongly repudiate any suggestion that I had anything to do either directly or indirectly with the misplacement or loss of this or any other file.

[Shri L. N. Mishra]

Mr. Deputy Chairman, it is interesting to know the contents of the file in question about which so much fanfare has been After vesterday's discussion I sent made. a Note to the Secretary, Commerce, about the subject matter and the issues involved in the said file. He has stated to me that the file in question relates to the grant of eligibility certificate to M/s Karnatak Exports Limited.

I am told that it was not a file relating to the issue of any import licence, entitlement, barter deal or any other issue where ministerial discretion was involved.

Eligibility certification to Export Houses is governed exclusively by the quantum of their export performance. The conditions relating to the export performance are specifically laid down in the Red Book and such certificates are issued by the office in routine on the basis of published policy.

The circular dated 25-4-73 issued by an officer of Ministry of Commerce on which the honourable member has relied itself states that the file in question was sent to me as a linked one in connection with a parliament question and not for any decision regarding grant or rejection of any proposal involving pecuniary advantage to the firm.

Yesterday it was also alleged during the discussion that I had shown favour to M/s Karnatak Exports by allowing them the barter deal involving export of ferrosilicon against import of stainless steel.

Mr. Deputy Chairman, the concept of administrative and ministerial continuity is a key-note of our democratic However, on a matter of personal explanation I am forced to say that the ferrosilicon barter deal in question was sunctioned to Karnatak Export before I took over as Minister of Foreign Trade towards the end of June, 1970.

I have taken the liberty of making this statement because yesterday's discussion made personal insinuation against me and I thought it my duty to clarify my position before this august House.

By Minister

I once against repudiate the baseless allegations made against me.

SHRI KRISHAN KANT (Haryana) : Sir, we must ask questions on that. Let a discussion be allowed on this.

MR DEPUTY CHAIRMAN: No discussion.

SHRI KRISHAN KANT : We would like to ask questions.

MR. DEPUTY CHAIRMAN: You can ask clarifications.

SHRI KRISHAN KANT: You allow a discussion or we may ask questions.

MR. DEUTY CHAIRMAN: There is no question of any discussion. But if you want to ask any questions, you can ask

SHRI KRISHAN KANT : Sir, my question is quite simple. He has tried to clarify himself that he had no connection with Karnatak Exports and I still allege that he had, because it is a matter of inquiry.

MR. DEPUTY CHAIRMAN: No allegations.

SHRI KRISHAN KANT: The question here was simple because he dilated on the While he was making whole question. a statement, why should I do not make?

SHRI SITARAM KESRI (Bihar): You are supposed to put a question.

SHRI KRISHAN KANT: I am putting. My question was simple. A file was sent to the hon. Minister. This is the usual procedure in any Government when a file is received, signatures are given and when a file goes out from there, to whom so ever it is sent, his signature is taken. Here the O. & M. Division of the Ministry says so. It is written that the file which was submitted to the former Minister of Foreign Trade on 24-11-72 has not been received back in the O. & M. Division. It means that the file has not come

back from the Minister. Whatever he may say, whatever his staff may say, unless the record of the Ministry of Commerce shows that it was received by any section, that allegation stands.

SHRI NAGESHWAR PRASAD SHAHI (Uttar Pradesh): Sir, on a point of order. This is too much. किसी मंत्री के पास कोई फाइल आती है तो उस मंत्री के कार्यालय में उसके पी० ए० के पास या उसके बाबू के पास आती है। मंत्री साइन कर के उसको रिसीव नहीं करता है। उसका कार्यालय उसको रिसीव करता है। आप का कहना क्या यह है कि फाइल मंत्री के कार्यालय में आई, इस लिए मंत्री ने रिसीव किया और उसके लिए मंत्री जिम्मेदार है।

श्री कुष्ण कान्त: सवाल यह है कि मंत्री के कार्यालय में जितने एम्पलाइज हैं उन सब का रेस्पासिबिल वह मिनिस्टर है। उसके कार्यालय में जो काम करने वाले हैं उनसे ग्रगर वह डिस्सैटिस-फाइड है तो उसको उसे निकालना चाहिये, उनके खिलाफ ऐक्शन लेना चाहिये। बुनियादी सवाल यह है कि ग्रगर मंत्री ग्रपने साथ काम करने वालों की जिम्मेदारी नहीं ले सकता तो वह रहने के काबिल नहीं है। इसलिए मेरा चार्ज था कि यह फाइल वहां गई। काममें मिनिस्ट्री ने इसको ढूंडा होगा छह महीने प्राइवेटली ग्रौर उनके बाद फाइल नहीं मिली। किसी ग्रौर डिपारटमेंट रिसीव नहीं हुई, तब उन्होंने 25 ग्रप्रैल को यह ग्राईर निकाला कि यह फाइल ग्रभी तक नहीं मिली है। तो जिस तरह से कहा जाता है कि फाइल...

(Interruption)

उसका हेडिंग है लास आफ फाइल।

(Interruption by shri A. G. Kulkarni)

MR. DEPUTY CHAIRMAN: You cannot have a discussion here, Mr. Kulkarni. If you insist on this, then I have to ask Mr. Krishan Kant also to sit down. I am allowing him because he was the original questioner.

श्री नागेश्वर प्रसाद शाही: यह ग्रन्दरूनी मामला है

श्री कृष्ण कान्त: तो इस लिए जब श्रो० एन्ड एम० डिवीजन का एक श्रार्डर निकलता है तो उस का मतलब यह है कि मामला काफी सीरियस हो गया है। इससे पहल उन्होंने फाइल ढूंढ ती होगी। नहीं तो यह आर्डर नहीं निकलता। श्री कुलकर्णी जी ने जो कहा था कि श्रौर भी फाइलें गुम हैं वह सही बात मालूम होती है क्योंकि मन्नी जी अपने जवाब में यह नहीं कह सके कि यह फाइलें उन के पास है। यह कई फाइलें हैं इस लिए सर दि मैटर इज वैंगी सीरियस। The matter is very serious.

श्री गुणान्त्य ठाकुर (बिहार): मेरा प्वाइंट श्राफ श्रांडर है। माननीय सदस्य श्री कृष्ण कान्त जी ने एक सर्कुलर का हवाला दिया है। यह कागज एक सरकारी कागज है श्रीर श्राफिशियल फाइल का कागज है। यह श्राया कहां से? जिस सर्कुलर का हवाला वह दे रहे हैं यह कागज उनको कैसे मिला? इस सर्वंध मे उन्होंने डिपार्टमेंट से कोई लिखापढ़ी की था या किसी श्रफसर से यह उन को दिया या यह कागज मंत्री जी ने उन को दिया या वे इस को कहीं से चुप चाप खीच कर ने श्राये। (Interruption) इस लिए मेरा कहना यह है कि पहले इस बात पर चर्चा हो जानी चाहिए कि यह सर्कुलर उन को कहां से मिला श्रीर कैसे मिला।

SHRI NAWAL KISHORE (UTTAR PRADESH): It is no point of order;

श्री कमाल नाय झा (बिहार): उपसभापति मही-दय, आप मेरा प्याइंट आफ आईर सुन लीजिए। वाद मं मले ही आप उसे ओवर रूल कर दीजियेगा। चेयर का एक स्पेमिफिक आदेश होता है। माननीय सदस्य को आप ने कहा कि आप अपना क्वेश्चन पुट कीजिए। क्वेश्चन पुट करने में और एक स्टेटमेट देने में बेलिक डिफरेस होता है। कई आन-रेविल मेम्बर चेयर के आईर को वायलेट कर के क्वेश्चन पुट करने के बदले स्टेटमेट दे देते हैं। इस प्वाइट को में प्रेस करता हू कि क्वेश्चन में और स्टेटमेंट जो वह दे रहे हैं उस में कोई बड़ा फर्क है या नहीं, दिस शुड वी डिसाइडड फस्ट।

MR. DEPUTY CHAIRMAN: What | is your point of order?

Personal explanation

श्रीमती सीतादेवी (पंजाब) : मेरा एक प्वाइंट श्राफ ब्रार्डर है ब्रौर वह यह है कि जो मिनिस्टर होता है वह जब किसी किस्म का आईर निकालता है तो उस की कोई जिम्मेदारी होती है। कोई फाइल जब उस के महकमें में ग्राती है तो कोई भी मिनिस्टर हो वह खद कोई फाइल रिसीव नही करता है। (Interruption) मिर्फ ग्राप को ही बोलने का हक नही है। ग्रौर दुमरे मेम्बर भी हाऊम में हैं। ग्राप तो किसी दूसरे को मुनते ही नहीं है।

MR. DEPUTY CHAIRMAN: You address me.

श्रीमती सीतादेवी : खुद कोई मिनिस्टर किसी फाइल को रिसीव नहीं करता। उस के नीचे के सेकेटरी या ग्रसिस्टेट या जो क्लर्क वगैरह है उन के दस्तखत से फाइल रिसीय की जाती है श्रौर उस के बाद वह फाइल मिनिस्टर के पास श्राती है। जैसे हमारे भाई दफ्तरों में काम करने वाले है उन में कई बार इंएफीशियेसी भी होती है...

MR. DEPUTY CHAIRMAN: This is no point of order.

श्रोमती सीतादेवी : तो अगर फाइल मिस भी हो गयी है और फाइल मिस होने के बाद मिनिस्टर ने कल के सवाल के जवाब में स्टेटमेंट दे दिया है तो उम के बाद उस स्टेटमेंट को क्वेश्चन करना. इस का मतलब यह है कि आप मिनिस्टर की इंटीग्रेटी को ही क्वेश्चन कर रहे है। यह बात बिलकूल गलत है। उपसभापति महोदय, मिनिस्टर के स्टेटमेट देने के बाद उसको क्वेश्चन यह बिल्कुल अनचित बात है। मैं समझती हं कि वे उनकी इन्टीग्रिट को क्वेश्चन कर रहे है, जो एक सही बात नहीं है।

SHRI KRISHAN KANT: Mr. Deputy Chairman, Sir, because of the point raised by Mrs. Sita Devi, I would say that if the Minister cannot take responsibility for the subordinates who are working under him, he is not fit to be a Minister. He has to own responsibility for all those working under him.

MR. DEPUTY CHAIRMAN: Mr. Krishan Kant, please take your seat now. You have made your point. You are now making some fresh allegations.

by Minister

KRISHAN SHRI KANT: No fresh allegations, Sir, This is injustice to me.

MR. DEPUTY CHAIRMAN: I have given you enough justice and more. I could have said that there will be no questions on Mr. L. N. Misra's statement. You made some personal allegation yesterday. He came here with a personal explanation. That was the end of the matter. But I allowed you. You are now making other allegations.

SHRI BHUPESH GUPTA (West Bengal): Sir, you please appoint a sub-committee or the movement of files, and underground, with Shrimati Sita Devi as the Matron-in-Chief.

SHRI KRISHAN KANT: Mr. Deputy Chairman, Sir, when I say something and the Minister makes a wrong statement, what is the way open for me? I am asking you.

(Interruption)

SHRI SITARAM KESRI: How can he say the statement is wrong? The Minister's statement is correct. He has been asked to put questions, not to charges again.

SHRI KRISHAN KANT: Sir, I have said his reply is wrong because he is responsible for all the omissions and comissions of his staff. Has he taken any action against the staff concernd? (Interruptions) Sir, 1 demand a parliamentary into the conduct of the Minister.

MR. DEPUTY CHAIRMAN: You should take your seat now.

SHRI KRISHAN KANT: The Minister is guilty of making a wrong statement.

MR. DEPUTY CHAIRMAN: Please take your seat.

SHRI KRISHAN KANT: I am requesting you . . .

MR. DEPUTY CHAIRMAN: I have heard you. Please sit down. Let me have my say.

श्री गुणानन्द ठाकुर . सदन में इस प्रकर से मंत्रियों पर स्राक्षेप करना यह पार्टी के अनुशासन के खिलाफ बात है।

MR. DEPUTY CHAIRMAN: Please sit down. Yesterday there was a discussion in this House during Question Hour and certain statements and allegations were made. Mr. L. N. Mishra came here with a statement wherein he has tried to explain what happened. I think that is the end of the matter. If you want, you can put a fresh question.

SHRI KRISHAN KANT: Sir, as Deputy Chairman, you are the custodian of the House. I am requesting you...

MR. DEPUTY CHAIRMAN: You can put a fresh question if you want.

SHRI KRISHAN KANT: When the Minister makes a wrong statement, what is the way out for us?

MR. DEPUTY CHAIRMAN: We shall go to the next item of business. Yes, Mr. Bhupesh Gupta, you wanted to mention something.

SHRI KRISHAN KANT: Mr. Deputy Chairman, Sir,...

MR. DEPUTY CHAIRMAN: I am sorry. The matter is closed now.

SHRI KRISHAN KANT: You are not protecting the rights of this House.

श्री कमलनाथ झा यह कैसे ग्राप कह सकते है कि मिनिस्टर साहब हाऊम को मिसगाईंड करते हैं? मिनिस्टर माहब के स्टेटमेंट को क्यों क्वेंक्चन करते हैं? (Interruption)

SHRI KRISHAN KANT: His statement is wrong. Let the hon. Minister face a parliamentary enquiry.

MR. DEPUTY CHAIRMAN: Yes, Mr. Bhupesh Gupta

REFERENCE TO RESOLUTION BY SUPREME COURT BAR ASSOCIATION TO ISSUE A "SHOW CAUSE" NOTICE TO SHRI H. R. GOKHALE AND SHRI S. MOHAN KUMARAMANGALAM

SHRI BHUPESH GUPTA (West Bengal): Sir, I never thought that a lost file-would generate such interest. Anyway we are all experts on files and I have suggested the appointment of a committee.

SHRI NAWAL KISHORE (Uttar Pradesh): Mr. Bhupesh Gupta is not interested in files.

SHRI BHUPESH GUPTA: Yes, I am interested. Sir, on May 4, there was an emergency meeting of the Supreme Court Bar Association. The meeting adopted a resolution to issue a "show cause" notice to Mr. H. R. Gokhale and Mr. S. Mohan Kumaramangalam asking them to show cause why they should not be expelled from the membership of the Bar Association for what they called their being instrumental in undermining the independence of the judiciary.

Now, the meeting was held by an association. I realise that it is an association. At the meeting very heated exchanges also took place. Anyway, we are not concerned with it now. But we are concerned with certain rights and privileges of Parliament. Here we have got the Bar Council Act which lays down the principles on which the membership of the Bar shall be guided and also under section 9 (b) of the Act there is some provisions for action against members of the Bar including the Bar Association...

SHRI LOKANATH MISRA (Orissa): On a point of order, Sir. How is it relevant here? I would like to know about it if it is not a point of order, as to how it is relevant. If he has something to show that any decision has involved the dignity of either House of Parliament, then he can mention it. But Mr. Kumaramangalam and Mr. Gokhale have taken decisions as