

3 of the Essential Commodities Act 1955.

[Placed in Library. See No. LT—1326/71]

NOTIFICATIONS OF MINISTRY OF FOREIGN TRADE

SHRI A.C. GEORGE : Sir, I also beg to lay on the Table a copy (in English and Hindi) of each of the following Notifications of the Ministry of Foreign Trade, under sub-section (3) of section 17 of the Export (Quality Control and Inspection) Act, 1963 :

(i) (Notification S.O. No. 5369, dated the 7th December, 1971, publishing the Export of Frozen Lobster Tails (Inspection) Rules, 1971.

(ii) Notification S.O. No. 5372, dated the 8th December, 1971, publishing the Export of Jute Products (Quality Control and Inspection) Amendment Rules, 1971.

[Placed in Library. See No. LT—1325/71 for (i) and (ii)]

MESSAGES FROM THE LOK SABHA

I. THE INDUSTRIES (DEVELOPMENT AND REGULATION) AMENDMENT BILL, 1971

II. THE DELHI ROAD TRANSPORT LAWS (AMENDMENT) BILL, 1971

SECRETARY : Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary of the Lok Sabha :

I

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Industries (Development and Regulation) Amendment Bill, 1971, as passed by Lok Sabha at its sitting held on the 16th December, 1971.

II

"In accordance with the provisions of Rule 96 of the Rules of Procedure

and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Delhi Road Transport Laws (Amendment) Bill, 1971, as passed by Lok Sabha at its sitting held on the 17th December, 1971."

Sir, I lay a copy of each of the Bills on the Table.

THE SECUNDERABAD AND AURANGA BAD CANTONMENTS HOUSE RENT CONTROL LAW (REPEAL) BILL, 1971—*Introduced*

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS/
गृह-कार्य मंत्रालय में उपमंत्री (SHRI F. H. MOHSIN) : Sir, on behalf of Shri Jagjivan Ram, I beg to move for leave to introduce a Bill to provide for the repeal of the Secunderabad and Aurangabad Cantonments House Rent Control Law, 1949.

The question was put and the motion was adopted.

SHRI F. H. MOHSIN : Sir, I introduce the Bill.

THE COMMISSIONS OF INQUIRY (AMENDMENT) BILL, 1971—*Contd.*

MR. CHAIRMAN : Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA (West Bengal) : Sir, I had not concluded my speech that day when the House adjourned. . .

SHRI MAHAVIR TYAGI (Uttar Pradesh) : Sir, before Mr. Bhupesh Gupta speaks, may I know one thing? Now that the war is over, shall we not meet in the normal hours now? The business is so much. From 10 o'clock to 1 o'clock is too short a time, I think. May we resume our normal working time?

MR. CHAIRMAN : It is only two more days

SHRI BHUPESH GUPTA : Three days more. Then I would make one request. The black-out has been lifted. The black-out in the House also should be lifted. The zero-hour should not be a black-out hour.

MR. CHAIRMAN : We shall see.

SHRI MAHAVIR TYAGI : The business is so much.

SHRI BHUPESH GUPTA : I support you. But now it may be a little difficult. But I say that the black-out in the House should also be lifted.

MR. CHAIRMAN : Mr. Bhupesh Gupta, you want to complete your speech ?

SHRI BHUPESH GUPTA : I must observe the formality. Sir, I reserve some of my suggestions to the Government for the third reading, and I would not take any more time at this stage. Therefore, I conclude my speech at this first reading stage.

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS/ गृह-कार्य मंत्रालय में उपमंत्री (SHRI F. H. MOHSIN) : Sir, I have looked into the speeches made by various Members of the House on this Bill and I am very much thankful to them for the useful suggestions that they have made.

In the course of the debate many Members made various points. The first speaker, Mr. N. R. Muniswamy, said during the course of his speech that executive Government's decision to appoint a commission of inquiry should be ratified by the legislature concerned and a similar ratification should be necessary for executive Government's decision to discontinue the life of a commission before it has submitted its report. Mr. Muniswamy's point was that the Government should not appoint the commission in an arbitrary manner and the work of the commission also should not be discontinued in an arbitrary manner. Certainly there is a point in what he says. But it is hardly proper to require ratification of executive decisions by the legislature in these matters. There is already a safeguard

mentioned in this Bill. Section 3 of the parent Act enables the executive Government to appoint a commission of inquiry either on its own or on the passing of a resolution to the effect by the legislature. But if the commission is appointed on a resolution of the legislature, then it would require the approval of the legislature to end the commission. So that safeguard has already been provided. The next point that Mr. Mathur and Mr. Lokanath Misra made was that the commission of inquiry once appointed should be allowed to complete its work and its life should not be discontinued at all. There may be some exigencies like the Emergency wherein the Government may consider that the continuance of a commission of inquiry may not do good. So discretion should be vested with the Government, if it finds it necessary, to end commission's work. So that discretion, it is better, remains with the Government. So there is safeguard against this possible impropriety in such cases that a commission appointed on the basis of a resolution of the legislature should not be discontinued without the approval of the legislature. This safeguard already there. Another point made by Mr. Jagdish Mathur is that the commendation of the Chief Justices Conference should be accepted fully and not in principle. My senior colleague, Mr. Mirdha has already dealt with this question during his opening speech before moving for consideration. Since there is nothing like an appeal against the decision of a commission of inquiry, appeal is not provided for in this Bill. So it would not be proper for the Government to be bound always about the acceptance of the commission's findings. Supposing there is an error of judgment. After all for High Courts, for District Courts, there is an appeal provided. But there is no appeal provided in the Commissions of Inquiry Act on the findings of the commission. So that power, it is better, vests with the Government, to accept or not to accept on its own merits. Hence I do not find Mr. Mathur's suggestion acceptable. Mr. Lokanath Misra made a point that the recommendations of the Law Commission should have been accepted *in toto*. He may be aware that we have accepted many of the recommendations of the Law Commission and only in two or three cases we could not accept the Law Commission's report as it

[Shri F H Mohsin]

has already been mentioned by Mr. Mirdha, and I need not to go in to that again—as to which recommendations were accepted and which recommendations were not accepted. Mr. Lokanath Misra also made another point that only serving judges should be appointed as members of the inquiry. I do not find any point in that.

The work in the courts is already heavy and the sitting Judges do not find sufficient time to dispose of even court cases. So if serving Judges are put on the commission the work in the courts will certainly suffer. Therefore, it is not necessary to say that serving Judges alone should do the commission work. Retired Judges also will be considered. There should not be any strict rule to the effect that only serving Judges should be considered for this purpose.

Shri Balachandra Menon made the point that vacancy in the Commission of Inquiry consisting of more than one member should be filled after consulting the other members of the Commission. I do not think it is a good suggestion. It is necessary that the power of appointment should always vest with government because if a vacancy is filled up by taking the opinion of the other members, the person affected may feel aggrieved because one member may have one view with which others may not agree. This may not work properly and it may affect adversely the person against whom inquiry is instituted and therefore I find myself unable to accept the suggestion.

Shri Chandrasekharan said that the executive government must take action on the report of the Commission of Inquiry. I certainly agree that followup action must be taken. He also made the point that Ministers and legislators who are found by the Commission of Inquiry to have indulged in corrupt practices should be disqualified from seeking election to the legislature. Already there is a provision in the Lokpal and Lok Ayukta Bill for punishing corrupt Ministers and legislators. A provision like that may not be proper in this Bill because elections are governed by the Representation of the People Act. My friend may make this suggestion when that Bill comes up or may move an amendment to that Bill. I certainly

do not think it proper to introduce any provision like that in the present Bill.

Shri Rajnarain made a suggestion that educational institutions should also be brought within the ambit of the Commission of Inquiry. Certainly there is no bar to bring in educational institutions within the purview of the Inquiry. They are not excluded and can be inquired into.

Shri Sanyal made the point that Party leaders should be consulted by the executive government before exercising the power of appointing the Commission of Inquiry. I do not think that will be proper because there will be differences of opinion. The Commission of Inquiry is instituted in a matter of public importance against any person. If we go on consulting Party leaders, I do not think we can reach any agreement.

Shri Rajnarain made another point that this is used against other Party people only. For his information, I might state that even against a person like Shri Kairon, who was a prominent member of our party, Commission of Inquiry was instituted. I may give another instance. A Commission of Inquiry was instituted against Shri Bakshi Ghulam Mohamad. We do not make any distinction between Party and Party Commission of Inquiry has to be instituted against any person if there are serious allegations against him and if they are of public importance we do not falter or make any distinction. I appeal to the hon. Members not to make this a party issue. If the matter is of public importance and if there are serious allegations against anybody, we will institute an inquiry against him.

If we do feel that an inquiry is to be instituted, we do not hesitate to do so.

SHRI SHYAM LAL YADAV (Uttar Pradesh): Sir, I want a point to be explained. In the case of Shri Mohan Lal Sukhadia of Rajasthan, all the parties submitted a memorandum to the President and a *prima facie* case was also made out. Why no inquiry was instituted?

SHRI F H MOHSIN: Perhaps in the opinion of the Government a *prima facie*

case has not been made out. Any way, I am not aware of that case.

SHRI SHYAM LAL YADAV : Any way, please look into it.

SHRI F. H. MOHSIN : Yes, we will look into that. When the Commission has not been instituted, it means that the Government must have considered it.

SHRI SHYAM LAL YADAV : Then, how can you say that you are fair ?

SHRI F. H. MOHSIN : In every case where an allegation is made it is not necessary for the Government to institute an inquiry and if we follow that procedure, I do not think that we will restrict ourselves to a few inquiries, but there may be thousands of inquiries. So, the discretion of the Government is always there and it has to be used in a very impartial manner. I have to admit that in this particular case I am not aware of any such thing and I can't say anything. Perhaps it may be that the Government might not have found sufficient reasons to institute an inquiry. Sir, these are the points made by the hon. Members.

SHRI SASANKASEKHAR SANYAL (West Bengal) : Sir, may I put one question ? Both myself and Shri Shyam Lal Yadav made out a point that instead of confining the appointment to judges only, eminent lawyers and jurists also should be asked to take up appointments in such Commissions. What is his reply ?

SHRI F. H. MOHSIN : Sir, that is a good suggestion. But, you have made out a point and I have replied to that. Sir, he has said...What is his name ? Yes, Mr. Sanyal. Sir, his point was that serving judges should not be appointed. He said that the serving judges should not be appointed. That is what he said. As members of the Commission, eminent jurists who have no political affiliations should be appointed in the Commissions of Inquiry. Sir, that shows the distrust in the serving judges. When serving judges can give impartial judgements, I do not see any reason why serving judges should not be appointed. We have confidence in them and they are expected to give impartial judgements and they

are doing it. Of course, if there are erroneous judgements, they can always go to the higher Courts and in the case of the Commissions of Inquiry the Government can review those cases, can review the report of the Commission and come to a conclusion. When people have trust in those judgements and the impartiality of the judges, I do not see any reason why serving judges should not be appointed.

MR. CHAIRMAN : Have you concluded, Mr. Minister ?

SHRI BHUPESH GUPTA : Sir, what about my point ?

SHRI F. H. MOHSIN : What is it ?

MR. CHAIRMAN : Please sit down, Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA : Sir, I brought to his notice certain allegations about the manner in which certain agencies are persecuting some social organisations.

MR. CHAIRMAN : All right. He has already replied.

SHRI BHUPESH GUPTA : What about those points, Sir ?

MR. CHAIRMAN : He has already replied. Please sit down.

SHRI F. H. MOHSIN : I could not hear what he said.

SHRI BHUPESH GUPTA : Sir, when the proceedings had been with the Minister for two days, evidently they have not been read. I spoke nearly for 25 minutes precisely to bring home this point.

(Interruptions)

MR. CHAIRMAN : He has replied to all the points.

SHRI BHUPESH GUPTA : I mentioned about the persecution of certain social organisations like the National Federation of Indian Women.

MR. CHAIRMAN : Please sit down, Mr. Gupta. No point should be raised after the Minister has replied.

SHRI BHUPESH GUPTA : I am entitled to a reply as a matter of right.

MR. CHAIRMAN : No, Mr. Gupta, this shouting will not do. He has replied and there is no question which can be raised after the reply.

SHRI BHUPESH GUPTA : No, Sir, it is my privilege. Then, what is the debate for? When we speak as Members of Parliament we are entitled to a reply.

(Interruptions)

MR. CHAIRMAN : It is his privilege to mould his reply also.

SHRI BHUPESH GUPTA : I cannot understand why you cannot reprimand the Government instead of asking me to sit down.

(Interruptions)

MR. CHAIRMAN : You cannot understand that. Please sit down.

SHRI BHUPESH GUPTA : I say, Sir, it is my privilege...*(Interruptions)*. It is a matter of right for me.

MR. CHAIRMAN : No, please.

SHRI BHUPESH GUPTA : Why should they not reply?

MR. CHAIRMAN : He has the right to mould his reply in any manner he likes.

SHRI BHUPESH GUPTA : And have I no right to ask him?...*(Interruptions)*. Now, Sir this is cowardice, utter cowardice, on the part of the Government. Now you say this. You give your protection. Your protective wings should be better placed...

MR. CHAIRMAN : The question is...

SHRI BHUPESH GUPTA : No reply to us? What is the debate for? *(In-*

terruptions). I charged the Government for using the CBI for persecuting people.

SHRI F. H. MOHSIN : I think you made some complaint about the dishonesty of some officers in the Ministry of Industrial Development.

SHRI BHUPESH GUPTA : I made many points. He has not read anything. What can I do? *(Interruptions)*. I said so many things. But you have not read. You had a holiday, a good holiday. You had a good time...

SHRI F.H. MOHSIN : You mentioned something about Nava Bharat Enterprises?

SHRI BHUPESH GUPTA : Yes, I also raised so many other points. Now he has got it.

SHRI F.H. MOHSIN : Sir, about Nava Bharat Enterprises...

SHRI BHUPESH GUPTA : Sir, you ask him to sit down...

SHRI F.H. MOHSIN : I have just got this note. I was not present during the discussion. Otherwise, I would have mentioned this.

MR. CHAIRMAN : You may conclude now.

SHRI SHYAM LAL YADAV : Sir, on a point of explanation. Sir, in the case of the Punjab Ministers, on the complaint of a single person they instituted an inquiry. But in the case of Haryana Chief Minister, though 36 persons made the complaint, they did not institute an inquiry. Again and again, he is claiming that they are fair and impartial. But they have been politically motivated. That is the question which should be replied. He says that they have been fair, impartial and judicious.

MR. CHAIRMAN : Please sit down now.

SHRI F.H. MOHSIN : It does not depend upon the number of persons who submit a memorandum...*(Interruptions)*. Some point was made about 36 members. I al-

ways maintain that it is not the number that counts. It is the matter that counts (*Inter-ruption*). Please bear with me a little. Sometimes it is sufficient to institute an inquiry even on one single member's complaint, provided a *prima facie* case is made out. But even if a thousand members make a complaint and no case is made out, I think the Government cannot institute an inquiry. So it does not always depend upon the number; it depends on the case made out.

MR. CHAIRMAN : Now you reply to Mr Bhupesh Gupta.

SHRI F. H. MOHSIN : Sir, as per my information, the house search of Shri Seth was conducted after obtaining the warrants from the court, on 22.8.71. In course of search a private diary of Shri Seth was noticed in which names of a number of firms were mentioned. The abbreviation of word 'advertisement' was noted against these names. The Investigating officer pursued this point further and received information that this entry in the diary related to certain advertisements obtained from these firms by Shri Seth by using his official influence for a brochure brought out by the National Federation of Indian women, of which Shrimati Rita Seth, wife of Shri Seth, was the Treasurer. To further verify this matter the Investigating officer, [Shri Tejinder Singh issued a notice on 20.9.71 under section 94 Cr P C to the Manager, Nava Bharat Enterprises (Private) Ltd., to produce all correspondence relating to advertisement sent to National Federation of India women during 1971.

So no investigations are being conducted against M/s Nava Bharat Enterprises (Pvt) Ltd. (*Inter-ruption*). Only some relevant records were required to be produced which were produced by the Accountant of the firm on 23.9.71 and four documents including a letter dated 5.4.71 of National Federation of Indian Women, bearing signature of Smt Rita Seth, were taken by the Investigating officer under proper receipt for investigation purposes.

Sir, the investigation being conducted was in accordance with law and in course of pursuit of clues obtained in a search conducted under the authority of a search

warrant. But there has never been any pressure from any quarter in the investigation of this case. The investigation is complete except for the examination of Shri Seth who has not been co-operating by giving a statement.

SHRI BHUPESH GUPTA : On a point of order I charge the hon. Minister of deliberately misleading.

MR. CHAIRMAN : Now, Mr Bhupesh Gupta.

SHRI BHUPESH GUPTA : Sir, you see the proceedings I said the Nav Bharat Enterprise's owner, Mr Sandhu had written a letter I read it out. Mr Sandhu has been known to the General Secretary of the Federation of Indian Women for the last 30 years.

MR. CHAIRMAN : I am not going into the merits of the question.

SHRI BHUPESH GUPTA : For the last 30 years he has been known to us.

MR. CHAIRMAN : Please sit down now. There is no point of order.

SHRI BHUPESH GUPTA : This is a very wrong way of answering. I read out the letter.

MR. CHAIRMAN : You have read out the letter itself.

SHRI BHUPESH GUPTA : .. written by Vimla Farooqi, General Secretary of the Indian National Federation of Women who was known to the Nav Bharat Enterprise for the last 20 years.

MR. CHAIRMAN : There is no point of order.

SHRI BHUPESH GUPTA : Nobody needs to influence anybody.

MR. CHAIRMAN : Please sit down now.

SHRI BHUPESH GUPTA : The Sandhu Organisation has given an advertisement to our paper also.

MR. CHAIRMAN : I have asked you to sit down now.

SHRI BHUPESH GUPTA : Does it mean somebody is influencing it ? The hon. Minister has misled the House deliberately. The Nav Bharat Enterprise is an organisation of a private individual.

MR. CHAIRMAN : Now Mr. Bhupesh Gupta, you have to sit down.

SHRI BHUPESH GUPTA : Why ?

MR. CHAIRMAN : Because he has replied. You may not be satisfied with the reply but that is no point of order.

SHRI BHUPESH GUPTA : My contention is that the investigation is made by some officer interested...

MR. CHAIRMAN : Whatever your contention may be, there is no point of order.

SHRI BHUPESH GUPTA : This is the point of order.

MR. CHAIRMAN : Please sit down now.

SHRI BHUPESH GUPTA : I say it is a lie; I say it is a damn lie; damn lie being uttered here. I shall bring the paper to you.

MR. CHAIRMAN : No, please sit down.

SHRI BHUPESH GUPTA : The Nav Bharat concern is run by people who are associated with the progressive movement for the last forty years known to the organisers for the last 40 years. Do you think an official certificate is needed to get an advertisement ?

MR. CHAIRMAN : I have overruled that point of order. Mr. Bhupesh Gupta, you have to sit down now.

SHRI BHUPESH GUPTA : Some officers exercise their influence. It is in their...

MR. CHAIRMAN : Mr. Bhupesh Gupta, please sit down now.

SHRI BHUPESH GUPTA : I shall tell you. I know it is something because they want to secure for some people...

MR. CHAIRMAN : There is no point of order. Please sit down.

SHRI BHUPESH GUPTA : Because they want to...

MR. CHAIRMAN : Nothing will be recorded now.

SHRI BHUPESH GUPTA : (*Continued to speak*)

MR. CHAIRMAN : You are taking up the time of the House unnecessarily. I have ruled you out of order. There is no point of order. Kindly sit down.

SHRI BHUPESH GUPTA : (*Continued to speak*)

MR. CHAIRMAN : Now I cannot decide on merits whether he is misleading or not.

SHRI BHUPESH GUPTA : (*Continued to speak*)

MR. CHAIRMAN : No, I am not protecting him.

SHRI BHUPESH GUPTA : (*Continued to speak*)

SHRI BABUBHAI M. CHINAI (Maharashtra) : Sir, on a point of order.

MR. CHAIRMAN : What is your point of order?

SHRI BABUBHAI M. CHINAI : My point of order is this. In spite of your ruling, Mr. Bhupesh Gupta is on his legs and is shouting at your ruling. Is it in order for Mr. Bhupesh Gupta to shout in the House ? Sir, I would like to submit to you that every Member is bound to obey your order and ruling and this is not the

way the House and the Chair should be treated.

MR CHAIRMAN . Yes. The questions :

"That the Bill to amend the Commissions of Inquiry Act, 1952, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR CHAIRMAN We shall now take up clause by clause consideration of the Bill.

Clauses 2 to 11 were added to the Bill

Clauses 12 to 15 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill

SHRI F H MOHSIN . Sir, I move :

"That the Bill be passed"

The question was proposed.

SHRI BHUPESH GUPTA . Sir, I did not deliberately speak at that time because I thought it was no use speaking and taking the time of the House. Now I have to make some suggestions with regard to the better working of the Commissions of Inquiry

MR CHAIRMAN , I may inform the House and the House already knows it that we have already taken two days on this matter and this is the third reading of the Bill I request the hon Members not to press their right to make speeches and be very brief,

SHRI BHUPESH GUPTA . It will take its course now Anyway you will have your business passed today

Before I make some suggestions, I wish to tell the House something and which has emanated out of the reply given by the hon Minister I would be very brief. The Government should have been very careful in handling such matters of enquiry. The hon.

Minister said that nothing was found in the diary of the officer whose wife happens to be the Treasurer of the Indian National Federation of women On the basis of that, Sir, the advertisers of the publication of the Indian National Federation of women were approached by the CBI and asked to appear before them Is it the right thing to do so? Sir, as far as the Nav Bharat Enterprise is concerned, this is an organisation run by the people, many of whom have been associated with the left movement for a long time Mr. Sandhu, one of the main organisers of the Nav Bharat Enterprise has been associated with our activity for the last 14 years or so In fact, if I may tell the hon Minister, when we started our career in the Parliament some 20 years ago, he was working with us in the Parliamentary office also This is the gentleman who is the chief organiser of the Nav Bharat Enterprise and is the friend of organisers of the Vimla Bharat and the womens Federation He has been the friend of Smt Aruna Asaf Ali and others for the last 25 to 30 years Do you think, Sir, that such a man would require the recommendation of an ICS officer to give an advertisement to an organisation with which Smt Aruna Asaf Ali and all these people are connected? Do you think I would require the influence of an IAS officer to give an advertisement to any Communist paper or to the progressive journals with whom I am associated? Suppose, you bring out a journal, you approach me for an advertisement, Sir, do you think it should require the influence of an IAS officer for me to give an advertisement? On the contrary, I shall consider it an honour to comply with your request because after all you will always be serving the noble cause

MR. CHAIRMAN . You make your suggestions

SHRI BHUPESH GUPTA : I tell you that this officer is being persecuted because he did not support the extension being given to Mohan Goldwater and others Some officers in the Ministry had been at him and somehow or the other he has to be black-balled, persecuted and this is what is going on We are not concerned with the official I am concerned with our organisation. I hope the Minister will not give such replies It has been brought to my notice that his

[Shri Bhupesh Gupta]

house was visited by the CBI, for what I do not know. What has been found out? He opposed the extension of a licence to Mohan Goldwater and the others wanted extension to be given. Mr. Chaudhury agreed with the officer whose wife is supposed to be the Treasurer of the Federation of Indian Women. He is persecuted, not those who recommended the licence to Mohan Breweries which had violated the Essential Commodities Act and acted illegally. Finally Mohan Breweries was denied licence by Mr. Moynul Haque Chaudhury for an illegal expansion on the recommendation of the officers like Mr. Seth but the same Mohan Breweries started the Mohan Goldwater in Lucknow and got a licence when a case was pending in connection with Mohan Breweries. This scandal should be investigated. Today I find Mohan is giving advertisements to the papers. You should not allow such misstatements to be made. Honest officials should be protected. The CBI is used by dishonest officials who run down Indira Gandhi in the Ministry and persecute officials who stand by the progressive policies of the Government. I am surprised that the Government is not taking any action against those officials are taking action against others and also the organisations with whom their wife and children may be associated. It is a shame and dishonour on their part. I hope Mr. Chandra Shekhar and others will save the country from this kind of witch-hunting from corrupt officials. Who does not know J.P. Singh who was in the Industry Ministry who ran down Indira Gandhi and that he has been shifted to Austria. Therefore I protest against this. Finally, if you had allowed me it would have been better but now you will have to listen to me in the Chambers. It is good that the Government is having the power today but the power should not be misused. It will be worthwhile to discuss the aspects of the working of this law and I would ask the Government to see that this Commissions of Inquiry Act and powers are properly used. In this connection I would refer to the Pipelines Inquiry Commission which has acquired vast dimensions. It is probing into the conduct of some 7 or 8 ICS and several others. It is probing into the roles of gigantic foreign contractors. One of them being the Bechtel Corporation of America which matter came under severe criticism in the Parliament and Parliamentary Committee.

You see the 66th Report on the IOC pipeline. Any enquiry under this Act can be meaningful only when the Commission uses the powers which this Bill seeks to give properly. I hope the Pipeline Commission is going to be the same. At one stage, months ago both the Petroleum Ministry and the IOC opposed the appointment of investigators. The Minister should know about it. Even the Commission on the Bharat Sevak Samaj has half a dozen investigators. I ask the Government of India to keep a watch on the Pipeline Commission enquiry's progress.

In the Ganga water pollution Enquiry Commission relating to water pollution caused by the effluence from the refineries at Parauni, the four-Member Commission headed by a High Court Judge was appointed and that enquiry is going on. It did not involve any ICS officers. Three Members of this Commission were technical experts. In the pipeline Enquiry, the terms before it cover a broad spectrum—highly technical matters like design capacity of the pipeline, hydraulics, subsidence and fire in coalmines through which the pipeline passes etc. Surprisingly enough, not a single technical expert is there in the Commission as Member. Therefore in such matters I think the hon. Minister will agree that technical experts should be put on the Commission. Both the Gauhati siliguri and the Haldia Barauni-kanpur pipelines are admittedly defence-oriented projects. They are life-lines to the nation, both in war as in peace, but more so during war. Both pipelines were sanctioned as top priority defence project in the wake of the Chinese attack in 1967. Pipelines have been found to be defective, below the capacity desired by the Union cabinet and suffering from other maladies.

MR. CHAIRMAN. What are you reading?

SHRI BHUPESH GUPTA. I am finishing, Sir.

MR. CHAIRMAN. You are faster than the written script.

SHRI BHUPESH GUPTA. One of the foreign contractors admitted their fault but only.

श्री सुन्दर सिंह भंडारी (राजस्थान): समय का ह्याल और लोगो के लिए भी रखा जाना चाहिये ।

MR. CHAIRMAN: Mr. Bhupesh Gupta, kindly listen to me . . .

SHRI BHUPESH GUPTA: The Parliamentary Committee which looked into all this recommended immediate departmental action.

MR. CHAIRMAN: Now, Mr. Bhupesh Gupta, you are going on reading from that Document; this is not right.

SHRI BHUPESH GUPTA: I say that the Government is not working the Commissions properly and I am citing the example of the Pipeline Inquiry Commission.

SHRI SUNDAR SINGH BHANDARI: Let him go through the pipeline.

MR. CHAIRMAN: Mr. Bhupesh Gupta, you are taking too much time of the House.

SHRI BHUPESH GUPTA: Even Americans do not stop the aid which is in the pipeline; why are you stopping me?

MR. CHAIRMAN: That is enough now.

SHRI BHUPESH GUPTA: Serious allegations on oath . . .

MR. CHAIRMAN: This I won't allow.

SHRI BHUPESH GUPTA: Why should you not allow me? All right; I am making a speech. Let this thing go. I say this Government is incapable of implementing the law that we are passing today. And if the Government is incapable of implementing the law then it is my duty to warn the Government before I support the Bill that they should not behave in the manner in which they have been behaving in the case of the Pipeline Inquiry Commission. What they did is very serious. An ex-Cabinet Secretary and others were involved in it. Mr. Khera, I.C.S., Mr. Nayak, I.C.S., Mr. Kashyap, I.C.S., Mr. Gopal Menon, I.C.S.

Mr. Rejwade I.A.S. and Mr. Morarji Desai also were involved and therefore the inquiry has been held in a particular manner. Should we give powers to the Government so that they can manipulate the inquiry in the interests of some of the ICS officials, some ex-Cabinet Secretary and other people who are in high positions and who are indulging in all these things? I want an assurance from the Government that such things will not be done as has been done in the case of the Pipeline Inquiry. That is very very important. Do I have the assurance? Let them give the assurance. I would not read anything because you do not like me to read out. The pipeline enquiry has been a grave scandal if I may say so. What guarantee is there that the officials would be properly selected for appointment in the Commissions? After the parliament took this up the main culprit, Mr. Nayak, managed to get somebody appointed to the Commission. What is the guarantee that such things would not be done?

DR. BHAI MAHAVIR (Delhi): I would like to know if the Chair has surrendered to Mr. Bhupesh Gupta or whether there is any time limit. We would like to know how much time he is allowed.

MR. CHAIRMAN: Mr. Bhupesh Gupta has already spoken on the Bill and I am asking him repeatedly not to take the time of the House in this manner.

SHRI BHUPESH GUPTA: When such things are being done, I want . . .

MR. CHAIRMAN: Mr. Bhupesh Gupta you have already spoken on this Bill at an earlier stage. Now at this stage you know very well as all other Members know that the speeches have got to be brief. Only some general remarks appropriate to this stage are to be made. But if you go on like this, I do not know; is it filibustering?

SHRI BHUPESH GUPTA: I wanted to be brief. You do not like me to be brief; you seem to like my lengthy speeches.

SHRI SUNDAR SINGH BHANDARI: That is the correct statement.

SHRI BHUPESH GUPTA : I had noted down the points and I was reading them. If you had allowed me to continue reading the rest, you would have seen that I was really brief because, when you speak,...

MR. CHAIRMAN : There are others to speak.

SHRI BHUPESH GUPTA : They will speak certainly and I would like them to speak twice as much as I do.

MR. CHAIRMAN : No, no, you must be reasonable. Please sit down now, Mr. Bhupesh Gupta. You have made your points and that is enough.

SHRI BHUPESH GUPTA : Now that you have said this, I regret it. Whenever we raise such things which are inconvenient to the Government, something comes in the way from the Chair. The moment we praise the Government, we may do as much as we like; the Ganga water may flow uninterrupted. But the moment we criticise the Government, bring their scandals to the notice of the House and expose them and lay bare the hypocrisy of the ICS and other officials who are indulging in all kinds of corruption, you say I be silent.

MR. CHAIRMAN : No, no.

SHRI BHUPESH GUPTA : If that is the impression as if we have become partisans of the Government, we are nothing of the kind.

MR. CHAIRMAN : Who says you are partisans of the Government ?

SHRI BHUPESH GUPTA : On this occasion it is the duty of every Member of Parliament to expose the scandals of the Government, and you should congratulate us. Don't you think on your behalf we have taken such interest...

MR. CHAIRMAN : I cannot congratulate you unless you are brief.

SHRI BHUPESH GUPTA : ...and collected such material none of which can be questioned by the Government ? Can anyone be questioned by the Government ? Therefore I say...

MR. CHAIRMAN : You are abnormal today. Please sit down now.

SHRI BHUPESH GUPTA : I feel very indignant about it because we are passing this Bill. We shall be supporting it but we know how things are being used. It is one thing to pass a law but another thing to implement it. It is one thing to name a committee but another thing to constitute it. It is one thing to order an inquiry but it is another thing to see that it is properly done. This is all.

MR. CHAIRMAN : What is the use of fixing time if you go on speaking ?

SHRI BHUPESH GUPTA : I was trying to show concrete examples as to how it is not properly done, and I am sorry you are not allowing me. I am sorry I have not got a chance to relate all those scandals. I say, so long as the ICS clique remains in positions of authority, there shall not be an inquiry, which is just, which is fair, which is honourable. This is number one point I make. Secondly, in order to help in the proper conduct of the inquiry, all those officials, who had been named in connection with the inquiry, should be removed from their positions, whoever they are. That is very very essential. Unless that is done I am afraid, whatever law we may pass, whichever power we may give, they are liable to be misused and manipulated as they have been done in the Pipelines Inquiry Commission, and in the other cases also, Sir, which were referred to in the House.

श्री भगवत दयाल (हरियाणा) : महोदय, कमीशन आफ एन्क्वायरी बिल पर बहस खत्म करते हुए जो मंत्री महोदय ने बातें कहीं उनमें काफी बातें आश्चर्यजनक थीं जैसे सरकार की...

SHRI BHUPESH GUPTA : Here is an hon. Member. They are very much interested in what I was reading.

MR. CHAIRMAN : Please do not interrupt.

श्री भगवत दयाल : निष्पक्षता जाहिर करने की खातिर सरकार ने सरदार प्रताप सिंह

जी करौ और श्री बख्शी साहब के खिलाफ इन्क्वायरी मुकर्रर की थी उसकी चर्चा की। उसके सम्बन्ध में दो बातें थी और वे दोनों बातें अब नहीं हैं। हमको इस बात का खदशा है कि सरकार निष्पक्षता से व्यवहार नहीं करेगी। वह दो बातें क्या थी कि सरदार साहब के खिलाफ जो इन्क्वायरी बैठी? उस वक्त की सरकार के अन्दर एक तो पावरफुल सेक्सन उन दोनों महानुभावों के खिलाफ था, उनका प्रेशर था जिसकी वजह से वह इन्क्वायरी बैठी। दूसरी एक और भी चीज में अर्ज करूँगा कि उस वक्त सरकार के नैतिक मूल्य कुछ ऊँचे थे, उस की वेल्यूज कुछ ऊँची थी और पब्लिक ओपीनियन कुछ डर लगता था। लोक मत से उनको कुछ डर लगता था जिसकी वजह से इन्क्वायरी उन के लिए बिठायी गयी। लेकिन अब वह दोनों बातें नहीं हैं। न तो लोक मत का भय है और न ही वेल्यूज हैं मौजूदा सरकार के अन्दर जैसा मिनिस्टर साहब ने कहा कि हरियाणा असेम्बली के 81 मेम्बर हैं कुल। मैं आप की इत्तला के लिए बतला दूँ कि 81 में से 36 मेम्बर अगर दोष लगा देते हैं, तो उसकी जाच के लिए सरकार दो साल लगाती है। मई, 1969 में दिया और जुलाई के अन्दर दिया, दो मेमोरेडम दिये 36 एम० एल० एज० ने, 81 में से बहुमत में केवल पांच कम थे, तो आप परसेटेज लगा लीजिए, क्या इतनी सख्या कोई महत्व की नहीं थी? सबने कहा कि करण्ट है, सब कहे कि शक्ति का दुरुपयोग किया, वह कोई महत्व की बात नहीं और उसकी जाच के लिए आप ने दो साल लगा दिये। 15 मई, 1970 का लोक सभा के अन्दर गृह मंत्री जी जवाब देते हैं, एक साल के बाद, कि चीफ मिनिस्टर के जो कमेन्ट्स आये हैं उनको हम स्टेडी कर रहे हैं। फिर मैं मिला और मिर्चा साहब को लिखित पत्र भी मिला कि इतने दिन और कैसे लग गये तो उन्होंने कहा कि कुछ चीजे क्लियर नहीं हुई थी, इसलिए उनको

दुबारा लिखना पड़ा। यानी उनकी क्लियरेंस के लिए, वहाँ की चीजे जानने के लिए सरकार बार-बार लिखती है।

सरदार रघुबीर सिंह पजहजारी (पंजाब)
जब आप चीफ मिनिस्टर थे तो आपके खिलाफ भी एक मेमोरेडम आया था। बहुत ही शिकायतें आयी थी।

श्री भगवत बयाल बिलकुल नहीं आया था एक मेमोरेडम था यह कि जो आप चाहते थे वह मैं नहीं कर सका था।

श्री कल्याण चन्द (उत्तर प्रदेश) जो आप चाहते थे वह वे नहीं कर सके और जो वह चाहते थे वह आप नहीं कर सके, इसलिए मेमोरेडम दिया उन्होंने।

श्री भगवत बयाल . दो साल लगाये जाच में आपने इस के मायने हैं कि चार्जज सीरियस थे और पंजाब के दो एम० एल० एज० ने लिख कर दिया और उस पर आप इन्क्वायरी बैठा देते हैं। होम मिनिस्ट्री की जो बैठक हुई थी जिसमें बादल मिनिस्ट्री के खिलाफ यह फैसला दिया गया था कि जाच करवायी जाये उस के अन्दर की बात जो चडीगढ से हमको हरियाणा मिनिस्ट्री की मार्फत मिली, मैं बताना चाहता हूँ। हमें इसमें कोई आपत्ति नहीं कि जहाँ से करप्शन की बातें आये सरकार को अधिकार है जाच करे जाच करनी चाहिये।

11 A.M.

सरदार रघुबीर सिंह पजहजारी : हरियाणा में तो सब से पहले अपने करप्शन शुरू किया। सबसे ज्यादा पैसा आपने इकट्ठा किया।

SHRI BHAGWAT DAYAL . But you are the product of that

SARDAR RAGHBIR SINGH PANJHA ZARI You are the product of that.

MR. CHAIRMAN : You have to complete your speech.

श्री भगवत दयाल : जी हां। प्राइम मिनिस्टर साहिवा ने ...

श्री नेकीराम (हरियाणा) : सभापति जी, मेरा प्वाइंट आफ आर्डर है।

श्री सभापति : क्या प्वाइंट आफ आर्डर है।

श्री नेकीराम : मेरा प्वाइंट आफ आर्डर यह है कि जो मेरे साथी, श्री भगवत दयाल कह रहे हैं कि कर्प्शन है, कर्प्शन है तो मैं यह जानना चाहता हूँ कि आप के वक्त में एम० एल० ए० का क्या भाव था।

श्री सभापति : कोई प्वाइंट आफ आर्डर नहीं है।

श्री नेकीराम : आया राम और गया राम को उन्होंने शुरू किया।

MR. CHAIRMAN : You sit down. There is no point of order.

श्री भगवत दयाल : ... जिस वक्त प्रधान मंत्री जी ने बहुत शानदार फैसला किया था कि बादल मिनिस्ट्री के खिलाफ इन्क्वायरी बैठे उस वक्त होम मिनिस्ट्री के अन्दर से स्टेट मिनिस्टर साहब ने कहा कि अगर इतनी जल्दी आप यह निर्णय करती हैं तो हमारे आदमी के ऊपर भी इन्क्वायरी बैठेगी मैं प्राइम मिनिस्टर साहिवा को मुबारकवाद देता हूँ इस बात पर कि उन्होंने कहा कि जो भी करप्ट है उसको जाना पड़ेगा और उस पर इन्क्वायरी हो जाय कोई चिन्ता की बात नहीं। लेकिन वह इत्तिला वहां दी गई कि तुम बख्शे नहीं जाओगे, प्राइम मिनिस्टर साहिवा ने मन बना लिया है। वहां फाइलें चेज होती हैं, रिकार्ड बदले जाते हैं।

सभापति जी, मैं एक और अर्ज करना

चाहता हूँ चार्जज जिन्होंने लगाये थे, शिकायतें जिन्होंने की थीं क्या उनसे पूछा कि आपकी शिकायत के अन्दर वजन नहीं लगता है, यह बात बतलावें वह। उनसे तो नहीं पूछा गया लेकिन मिनिस्ट्री से चार चार दफा छः-छः दफा पूछते हैं। यह कोई न्याय की बात नहीं है। इससे सरकार की निष्पक्षता नहीं जंचती। अकाली मिनिस्ट्री के खिलाफ दो महीने में फैसला और हमारे यहां दो साल लग गये। फिर नया मेमोरेंडम एक और दिया गया है। वहां खुली बात होती है।

श्री सभापति : मेहरबानी कर के न जाइये।

श्री भगवत दयाल : चेयरमैन साहब, देखिएगा कि इतना टाइम और साथियों ने लिया और मैंने उतना नहीं लिया और मैं अक्सर आपको कभी परेशान नहीं करता।

श्री सभापति : कभी नहीं करते लेकिन यह थर्ड रीडिंग स्टेज है।

श्री भगवत दयाल : मैं एक बात पूछता हूँ कि जिन्होंने शिकायतें कीं उनसे सरकार ने पूछा। जब मैंने मिनिस्टर साहब से पूछा कि आपने उन मेमोरियलिस्ट्स से पूछा क्या तो उन्होंने कहा कि अगर उनसे पूछें तब तो इन्क्वायरी शुरू हो जाती है। जो जवाब स्पष्ट नहीं आया, उसके लिये तो मिनिस्ट्री से आप बार-बार पूछते हैं वह क्या इन्क्वायरी नहीं। इस लिये मैं यह कहता हूँ कि गवर्नमेंट की नीयत साफ नहीं है मैं यह कहता हूँ कि इस इन्क्वायरीज एक्ट का दुरुपयोग होगा, यह मैं कहता हूँ कि इससे जो सरकार के पक्ष के आदमी हैं, यह उनके भ्रष्टाचार को ढकने की कोशिश करेंगे।

तीसरी चीज एक और अर्ज करना चाहता

हूँ। श्रीमन्, अब वहाँ पर कितनी हल्के टाइप की बात होती है हालांकि इंडस्ट्री कोई आसमान पर तो नहीं लगती लेकिन आज वहाँ का चीफ मिनिस्टर खुले ढंग से कहता है...

सरदार रघुबीरसिंह पंजहजारी यह इंडस्ट्री का मामला दूसरा मामला है, इन्क्वायरी कमिशन के बिल से इसका क्या मतलब।

श्री भगवत दयाल क्या बात है। यह करप्शन की बात है। They are paid for that So they are crying.

यह कमिशन ऑफ इन्क्वायरी की बात है। जब डिसकशन यहाँ आपका इस पर चलता है तो मुझे कहना है। वहाँ की मिनिस्ट्री के आदमी, वहाँ का चीफ मिनिस्टर यह कहता है कि मेरे ऊपर कौन इन्क्वायरी बिठा सकता है, मैंने साढ़े तीन सौ एकड़ ज़मीन पालम एयरोड्रोम के आगे डेढ़ करोड़ की लागत की सजय गांधी को दे दी है ...

सरदार रघुबीरसिंह पंजहजारी यह सब आप कैसे एलाऊ करते हैं, चेयरमैन साहब, इस को हटवाइये।

श्री सुन्दर सिंह भंडारी यह तो फैक्ट है, कैसे हटेगा।

MR CHAIRMAN No, please. Do not introduce other matters.

श्री भगवत दयाल मैं इसलिये कहता हूँ कि वह यह कहते हैं कि मेरे ऊपर कौन बैठायेगा।

[MR DEPUTY CHAIRMAN in the Chair]

उसने कहा कि मैंने लाखों रुपया नेशनल हेराल्ड को दिया है, उसका वरद्ध-हस्त मेरे ऊपर है, मेरे ऊपर कैसे बैठेगी।

उपसभापति महोदय, जहाँ तक भ्रष्टाचार को दूर करने की बात का सवाल है, सन् 1962

में सथानम कमेटी बैठी थी, उस वक्त श्री लाल बहादुर शास्त्री होम मिनिस्टर थे। उस सथानम कमेटी की रिपोर्ट के अन्दर उन्होंने यह सिफारिश की कि अगर 12 या 10 एम० पी० या एम० एल० ए० कोई भी भ्रष्टाचार के चार्ज लिखित रूप में दे दे तो इन्क्वायरी बैठेगी। लेकिन हरियाणा के अन्दर तो 36 ने हस्ताक्षर करके दिए पर उसके ऊपर सरकार की कान में जू नहीं रेगी। और फिर पंजाब में क्यों बैठाई गई? हमारे हरियाणा वाले की इन्क्वायरी की मांग के ऊपर सुनवाई नहीं हुई, जिसके अन्दर रपट चार्ज है कि किस प्रकार 30 करोड़ के सामान के अन्दर सरकार ने दस, पन्द्रह परसेंट लगाकर खाया है। लेकिन उसके ऊपर कोई कार्यवाही नहीं हुई। चूँकि रूलिंग पार्टी के आदमी आकर के रोए कि अगर पंजाब के अन्दर इन्क्वायरी नहीं बैठाई तो हमको अकाली खा जाएंगे, हमारी पार्टी का कोई स्थान नहीं रहेगा, इसलिये 2 महीने के अन्दर वहाँ इन्क्वायरी बैठा दी गई। हमारे वाले मामले के ऊपर नहीं हुई। मैंने सथानम कमेटी की रिपोर्ट की चर्चा की, क्योंकि लोक सभा ने उसको नियुक्त किया था। उसको रद्दी की टोकरी में डाल दिया, उसके ऊपर अमल नहीं किया, जो भी उन्होंने सिफारिश की थी, उनके ऊपर कोई आचरण नहीं किया गया।

श्री उपसभापति : यह थर्ड रीडिंग है।

श्री सुन्दर सिंह भंडारी श्रीमन्, थर्ड रीडिंग अभी शुरू नहीं हुई, थर्ड रीडिंग बहुत पहले से है और भूपेश गुप्त आधा घंटा बोले हैं।

श्री भगवत दयाल मिनिस्टर साहब ने एक बात कही है कि जाच चार्ज की सीरियसनेस के ऊपर है, हस्ताक्षर कितने आदमी करके देते हैं इस पर नहीं। आपने चार्ज देखे तक नहीं है। चार्ज की सीरियसनेस का क्राइटेरिया

[श्री भगवत दयाल]

क्या है? काइटेरिया है एक कि कही वह चार्ज आपकी आदमी के खिलाफ तो नहीं, दूसरों के खिलाफ हों तो उसे टांग दो। चार्ज की सीरियसनेस तो लगाने वाला साबित करेगा, न कि खुद जिनका दिल काला है, जो खुद करप्शन के पहाड़ के ऊपर बैठे हैं, जिन्होंने देश के अन्दर ईमानदारी की धज्जियां उड़ा कर रख दी है, इस सरकार से क्या तबक्को की जा सकती है जिसकी बुनियाद भ्रष्टाचार पर टिकी हुई है। उनसे क्या आशा करें?

श्रीमन्, एकदम कितने ही पास हो जायें, असली बात उसको लागू करने की है और हम यह जानते हैं कि यह बिल तो पास होगा, इसका हम भी समर्थन करेंगे और आशा करते हैं कि आए दिन कोई भला आदमी कानून का ठीक उपयोग कर सके, इस भावना से स्वागत करता हूं। आप लोगों से कोई आशा नहीं है इस बात को भी हम जानते हैं।

अब एक बात और मैं आपकी मार्फत हाउस को भी बतला देता हूं कि लोक सभा के अन्दर जो सबसे बड़ी, संख्या के अन्दर, विरोधी दल की एक पार्टी है सी० पी० एम०, उनके सभी सदस्यों ने प्राइम मिनिस्टर साहब को लिख कर भेजा है कि हरियाणा के अन्दर इन्क्वायरी क्यों नहीं की जा रही है? क्या इसलिये कि वह सत्ताधारी कांग्रेस की पार्टी का हिस्सा है? इतना ही नहीं, कल या परसों, दो दिन के अन्दर, तकरीबन 100 से अधिक—110 के करीब—लोक सभा और राज्य सभा के एम० पी० प्रधान मंत्री साहिब को—मेमोरेण्डम भेजेंगे—उसके ऊपर भी आप कह दीजियेगा चार्ज सीरियस नहीं है। श्रीमन्, मेरा एक ही अनुरोध है...

श्री उपसभापति : आखिरी अनुरोध, प्लीज।

श्री भगवत दयाल : अब क्या बतलाऊं? भूपेश गुप्त और राजनारायण का अनुकरण

करना पड़ेगा हमको।

श्री उपसभापति : आपने करीब-करीब 25 मिनट ले लिए हैं। थर्ड रीडिंग है।

श्री भगवत दयाल : मैं यहां पर जो चार्ज-शीट के उसके ऊपर नहीं जाऊंगा, वह बहुत लम्बी तालिका है कि किस तरह से करोड़ों रु० मिनिस्ट्रों ने भ्रष्टाचार करके बनाए, किस तरह से वे बना रहे हैं, हर केश प्रोग्राम के अन्दर और किस तरह से वहां की जनता कराह रही है। यह सब आपको उस चार्जशीट के अन्दर मिलेगा।

मैं उस चीज के अन्दर नहीं जाना चाहता हू कि सरकार किस तरह से पोलिटिकल सत्ता का दुरुपयोग करके देश की जनता को अन्धकार में रख रही है। मैं मिसाल के तौर पर एक चीज आपके सामने बतलाना चाहता हूं और आपको ताज्जुब होगा कि इस तरह की घटनायें वहां पर हो रही हैं। एक चौधरी धर्मसिंह राठी है, जो एक एक्स एम० एस० ए० है और पानीपत कोआपरेटिव शुगर मिल के चेयरमैन थे। उन्होंने कांग्रेस (आर) में डिफेक्ट नहीं किया और न ही उनके भाई रूलिंग कांग्रेस के अन्दर गये, उनको हथकड़ी लगाई गई और वह इसलिये लगाई गई कि उनके ऊपर 200 ग्राम के एक बट्टे का चुराने का केस लगाया गया। जब कोर्ट में यह केस गया तो वहां पर भी मजिस्ट्रेट ने इस केस का मजाक उड़ाया और कहा कि किस तरह से एक प्रतिष्ठित आदमी के ऊपर इस तरह का झूठा केस लगाया जा रहा है। कहने का तात्पर्य यह है कि किम तरह से वहां पर जो सरकार है वह आम जनता को कण्ट पटुंवा रही है। इस समय सरकार के खिलाफ कोई इन्क्वायरी करना नहीं चाहती है। इस समय जो विधान सभा में 78 एम० एल० ए० है और 78 के अन्दर कांग्रेस की संख्या 54 है और इन 54 में से 26 मिनिस्टर

बने हुए हैं और अलग-अलग कमेटियों के चेयरमैन बने हुए हैं और इन 26 में से 16 डिफेक्टर हैं। इन 16 डिफेक्टर्स में से तीन चार ऐसे हैं— जिन्होंने पिछले मेमोरेन्डम में भी दस्तखत किए थे। पहले इन्होंने मिनिस्टरी के खिलाफ प्रचार किया कि सरकार कुकर्मि है, दोषी है, लेकिन आज वे मिनिस्टर बने हुए हैं। आज इस तरह का वहां की सरकार में नैतिक माप दंड बना हुआ है। (व्यवधान) पहिले ये एम० एल० ए० थे जब ये डिफेक्टर हो गये इन्हे मिनिस्टर बना दिया गया। जहां पर इस तरह की चीजें होती हैं वहां पर यह सरकार नजरअन्दाज कर देती है चार्जों को। और इससे यह अन्देश होता है कि यह सारे का सारा बिल वह सरकार अपनी पार्टी के लाभ के लिए करती है और देश के कल्याण और न भ्रष्टाचार को दूर करने के लिए वह कुछ करना नहीं चाहती है।

MR. DEPUTY CHAIRMAN : Mr. Chandra Shekhar.

SHRI SOKNATH MISRA (Orissa) :
I would like to speak.

MR. DEPUTY CHAIRMAN : All right.
Now I have called Mr. Chandra Shekhar.

श्री चन्द्र शेखर (उत्तर प्रदेश) : उप-सभापति जी, मुझे मंत्री जी से एक सवाल करना है। जो विधेयक पेश हुआ है उसके पहिले भी यह विधेयक था और उसमें कुछ परिवर्तन और संशोधन हुए हैं। उसके अन्तर्गत जो कमीशन बनता है वह क्या काम करता है और रिपोर्ट आने के पहिले भी उसकी कोई जानकारी को सरकार होती है या नहीं, यह बात मैं जानना चाहता हूं।

तीन वर्ष के परिश्रम के बाद इस सदन में सरकार ने निर्णय दिया कि बड़े पूंजीपतियों के घरानों के खिलाफ एक कमीशन आफ एन्क्वायरी बनेगी सरकार साहब की अध्यक्षता में।

उस कमीशन को बने हुए एक साल से अधिक हो गया है और शायद उस कमीशन का प्रारम्भ और अन्त दोनों साथ साथ हो गये।

उपसभापति महोदय, जहां तक मेरी जानकारी है तीन वर्ष के बाद-विवाद के बाद वह आयोग बना था सरकार साहब की अध्यक्षता में। उनकी न्याय प्रियता के बारे में मुझे कुछ नहीं कहना है, लेकिन शायद यह कार्य भार उनके लिए बड़ा भारी था। जैसा लोगों ने प्रारम्भ में ही सन्देह प्रकट किया था। आज भी हम एक साल के बाद यह अधिकारपूर्ण ढंग से कह सकते हैं कि सरकार साहब को उस समय उस आयोग की अध्यक्षता में नियुक्त करना असंगत था और उचित नहीं था। हमने कहा था कि तीन-चार लोगों का वह कमीशन बनाया जाना चाहिए क्योंकि आज भी पूंजीपतियों के घरानों की लूट ज्यों की त्यों जारी है और उनके जो पुराने कुकर्म हैं उनमें किसी तरह की कोई कमी नहीं आई है। उनका जो साम्राज्य है वह ज्यों का त्यों बढ़ रहा है और मैं नहीं जानता कि दिल्ली में कमीशन का भवन सुरक्षित है और उसकी कोई कार्यवाही हुई हो चाहे जितने अधिकार कमीशन को दे दिये जायें, जितने भी अधिकार सरकार को दे दिए जाय, मैं माननीय श्री भूपेश गुप्त से सहमत हूं कि जब तक उन को कार्यान्वित न किया जाय तब तक उन अधिकारों को देना न श्रेयस्कर ही होगा और न ही उचित होगा। मैं आपके द्वारा जानना चाहूंगा मंत्री महोदय से क्योंकि उनको शायद कोई जानकारी हो कि यह जो आयोग बैठा हुआ है उसने अब तक क्या काम किया है, क्योंकि कुछ दिन पहले मुझे ज्ञात हुआ था कि अभी तो न उनके पास स्टाफ है, और न यह तय हुआ है कि यह आयोग किस तरह काम करेगा न उस आयोग के अध्यक्ष महोदय जानते हैं कि उनके जिम्मे क्या काम सोपा गया है।

श्री महावीर त्यागी : कितने दिन हो गये उसको बने हुए ?

श्री चन्द्रशेखर : एक साल से ऊपर हो गया। मैं यह बात आपके सामने इसलिए लाना चाहता हूँ क्योंकि उस आयोग को नियुक्त कराने में इस सदन का बहुत समय लगा है, इस सदन में काफी वाद-विवाद हुए हैं। तो मैं आपके जरिए यह भी जानना चाहता हूँ कि सदन के सदस्यों के लिए क्या कोई रास्ता है, इस तरह आयोग और सरकार अगर चुपी साध लें ऐसे सवालों के ऊपर तो सदस्य उस सवाल को फिर सदन में उठाएँ या न उठाएँ? साल भर तक मैंने धैर्य के साथ प्रतीक्षा की है। तीन साल तक मैंने जब उस सवाल को उठाया था तो इसलिये नहीं कि मुझे किसी से व्यक्तिगत द्वेष था, इसलिए नहीं कि कोई व्यक्तिगत दुश्मनी थी। अगर उस सवाल को उठाना उस समय सार्वजनिक हित में आवश्यक था तो साल भर के बाद क्या मैं आपके जरिए इस सरकार से और सदन से जान सकता हूँ कि कौन सा रास्ता है जिसके जरिए हम उस आयोग को क्रियाशील कर सकें और इस सरकार को भी सजग और सचेत कर सकें। आयोग को बना देना अपने मे इतिश्री नहीं होती, केवल मूर्तपात होता है।

एक बात और कहूँगा, उपाध्यक्ष महोदय, और समाप्त करूँगा। पिछले तीन वर्ष दुखान्त साल रहे हैं इस सदन के इतिहास में और इस देश के इतिहास में कम से कम उन लोगों के लिए जिन्होंने यथास्थितिवाद की राजनीति को, भ्रष्टाचार की राजनीति को, जिन्होंने पूँजी-शाही की राजनीति को चलाने का प्रयास इस देश में किया है और इसीलिए उनको परेशानी होना स्वाभाविक भी है।

दो तीन साल पहले जब हरियाणा में सरकार परिवर्तन हुआ था, मुझे वह दिन याद है जब हमारे मित्र बंशीलाल जी ने एक बयान दिया

था कि गुलजारी लाल जी नन्दा उनके गुरु हैं और भगवत दयालजी उनके नेता हैं। मुझे वह वक्तव्य भी याद है भगवत दयाल जी शर्मा का—उनके साथ मुझे बड़ी सहानुभूति है क्योंकि ऐसे बहुत से बुजुर्ग नेता हैं जिन्होंने इतिहास में देश का बड़ा काम किया है आज़ादी के दिनों में, लेकिन बदलती हुई राजनीति में इन लोगों को दुख के दिन देखने पड़ते हैं, इसमें हमारे जैसे लोगों को उनके साथ सहानुभूति और दुख होना स्वाभाविक है—भगवत दयाल जी ने बड़ा सन्तोष व्यक्त किया था कि उनका एक शिष्य मुख्य मंत्री हो गया, अर्थात् शिष्य ने गुरु की पुरानी परम्परा को बनाए रखा। शायद भगवत दयाल जी यह समझते थे कि शिष्य उनकी अर्चना हमेशा करता रहेगा।

श्री सुन्दर सिंह भंडारी : शिष्य निकम्मा निकला।

श्री चन्द्रशेखर : निकम्मा निकला या क्या, वह तो पिछले दिनों में साबित हुआ है। भगवत दयाल जी ने लोकमत की बात की है। पिछली जनवरी में लोकमत की एक परीक्षा हुई। हमको भी हरियाणा में दो-चार जगह जाने का मौका मिला। भगवत दयाल जी ने लोकमत को अपने पक्ष में करने के लिए कुछ उठा नहीं रखा और जितनी चार्जशीट है वह उस जमाने में जनता के सामने अधिक उग्रता के साथ, ज्यादा भौंडे तरीके से, ज्यादा गालियों के साथ, और अशिष्ट तरीके से रखने का प्रयास किया।

श्री भगवत दयाल : जहाँ तक माननीय, श्री चन्द्रशेखर जी ने लोकमत की बात की है, हरियाणा के अन्दर इस समय दो विरोधी दल की सीटें हैं, दो पहले थीं, दो ही अब रही हैं, दो ही विरोधी दल के फिर जीत कर आए हैं। मैं आपकी जानकारी के लिये यह कह देना चाहता हूँ कि जहाँ रूलिंग कांग्रेस का एक आदमी 1

लाख 62 हजार से जीत कर आया था इस चुनाव के अन्दर वह 45 हजार से जीता। तो आप देख सकते हैं कि स्थिति क्या है।

श्री चन्द्रशेखर उपाध्यक्ष महोदय, ठीक है, दो सीट जीत गए, मुबारकबाद है, सन्तोष करे उसके ऊपर, लेकिन लोकमत की परीक्षा शीघ्र ही होने वाली है, शायद शर्मा जी को दो महीने के अन्दर फिर मौका मिलेगा, लोकमत को उस समय उभारे।

श्री सुन्दर सिंह भंडारी क्या हरियाणा में चुनाव करा रहे हों।

श्री चन्द्रशेखर : मैं नहीं जानता कहाँ कहेंगे लेकिन देश में बहुत जगह होंगे।

श्री सुन्दर सिंह भंडारी सरकारी पार्टी के आदमी हों, बता दो।

श्री चन्द्रशेखर मैं कोई घोषणा नहीं कर रहा हूँ, मैं केवल अपना अन्दाजा कह रहा हूँ। मैं आपसे यह कहूँगा कि भगवत दयाल शर्मा जी ने लोकमत को उभारने की कोशिश की, अब भी उभारे और यह कोशिश उनकी बरकरार रहे, लेकिन उनसे एक बात मैं निवेदन करूँगा। यह ठीक है कि वह जो जाच के लिए माग करते हैं करते रहे, लेकिन दो, तीन वर्षों के इतिहास से उनको अब यह मान लेना चाहिए कि उनकी राजनीति के दिन अब इस देश से निकल गये और अब उनके लिए राजनीति में कोई स्थान नहीं है और उनके ऐसे लोगों को अरण्य-रोदन करने का अवसर तो मिल जाता है, मिल सकता है, लेकिन देश की राजनीति में फिर से प्रभावकारी ढंग से कदम बढ़ाने का समय अब उनको नहीं मिलेगा लेकिन मैं माननीय मंत्री जी से यह जरूर कहूँगा कि यह जो जाच आयोग बनते हैं उनको वे कल्पना की वस्तु न रहने दें, उनको आप अल-कारिक रूप मत दीजिए, नहीं तो भगवत दयाल

शर्मा जैसे लोगों को कभी कभी भाषण देने का अवसर मिल जाता है। अगर आप कुछ सजग रहे तो शायद वह यह अवसर भी नहीं प्राप्त कर सकेंगे।

MR. DEPUTY CHAIRMAN : Yes. Mr. Lokanath Misra.

SHRI LOKANATH MISRA (Orissa) : Mr. Deputy Chairman, Sir, I have spoken on this at the time of the first reading of the Bill. Sir, the replies given by the hon. Deputy Minister in the Ministry of Home Affairs somehow appear to me to be extremely unsatisfactory. He did not go into the details while he replied to the questions and the points raised by the Members of the Opposition particularly.

Sir, one point which has been subsequently raised by Mr. Bhupesh Gupta seems to be an important point. He raised the point regarding the conduct of the ICS officers and the recommendation that was necessary for some advertisement. Sir, when these things are raised on the floor of the House, the Minister should naturally take a serious note of it. But, he seemed to be overwhelmed by the idea of democracy immediately after the elections. Now, Sir, he is probably gradually forgetting about it. He said that it is not the number that counts, but it is only the matter that counts. If matter alone counted, he would not have been there in the treasury Benches. It is only because number counted that you are sitting there and you must pay due honour to the source of authority from which you draw it. You are drawing your authority on the basis of number and therefore, you should not deny number when it comes to that. Therefore, Sir, I would request the hon. Minister to kindly take things seriously and think twice about them before he speaks on the floor of the House.

Sir, the other point which Shri Bhupesh Gupta tried to raise was regarding the Ganga Water Pollution Inquiry Commission. This is very important. And, Sir, he referred to the Pipeline Inquiry Commission also. Sir, about the pipelines, it was said that in view of the possibility of aggression, the pipelines should be completed. Now, somebody, some of the ICS officers, seem to be stand-

[Shri Loknath Misra]

ing in the way of taking up of the pipeline and its completion. This definitely should be gone into.

Sir, the other point raised by Shri Bhagwat Dayal Sharma was important enough. The Commissions of Inquiry Act which is being amended now gives further powers to the Government and we do not give this further power to the Government only to be used against us, against the Opposition Members. Wherever there is corruption, I have been fighting against corruption and everybody knows it and nobody needs to give any certificate to me. Everybody knows it. But, Sir, if this is used only as a weapon against the Opposition, when it comes to their party it will be a very bad day for the country. If there are sufficient memorialists against the Chief Minister of Haryana—he is a friend of mine and we used to sit together in this House and he was a friend of mine and he continues to be a friend of mine now also—and when great charges of corruption are brought against the Chief Minister of Haryana, it should at least be referred to a High Court Judge to find out whether there is a *prima facie* case or not. If there is no *prima facie* case, then throw it away into the waste-paper basket. We do not have any grudge against this. But for the ruling party to throw it away before it is referred to any judicial panel for its opinion as to whether there is any *prima facie* case or not, would not be the right thing. Therefore, I would again emphasize that the case should be referred to a High Court judge or a Supreme Court judge, and only after the High Court judge or the Supreme Court judge observes that there is nothing against Mr. Bansilal, we would accept him as the Chief Minister. But supposing there is something substantiated against him in the course of the inquiry by the High Court judge or the Supreme Court judge, naturally he will have to stand trial. However a great friend he may be, if in public life he proved to be corrupt, he has to go.

Thank you.

MR. DEPUTY CHAIRMAN : Mr. Thillai Villalan . . .

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS/संसदीय कार्य विभाग में राज्यमंत्री

(SHRI OM MEHTA) : Sir, against the 2 hours allotted by the Business Advisory Committee for this, we have already taken 4½ hours on this Bill. Now, Sir, how this tangle is to be solved ? Will it be solved by sitting late to finish the pending business . . .

SHRI SUNDAR SINGH BHANDARI : When the Third Reading began, he did not come out to say this thing.

SHRI OM MEHTA : The other day Shri Pitamber Das told us that he would help in finishing the business even by sitting late. What is your ruling ?

MR. DEPUTY CHAIRMAN : Let us see what happens. Mr. Villalan.

SHRI THILLAI VILLALAN (Tamil Nadu) : Sir, I will be very, very, very brief . . .

SHRI N. SRI RAMA REDDY (Mysore): How many "verys" . . .

SHRI THILLAI VILLALAN : Hon. Members mentioned specific cases, I am not going to mention any specific cases. I want to make general observations—only two observations—in this connection. Our friends mentioned about the appointment of a Commission of Inquiry in different States. Some of our friends mentioned about the cases in which a Commission of Inquiry has not been appointed. Sir, the appointment of a Commission of Inquiry should not be used for making delay or postponing any problem. That is my point. This is my first point which I want to make clear. In so many cases this provision of appointing a Commission of Inquiry has been used by the Central Government or the State Governments for postponing or delaying problems. Therefore, I want to make it clear that there should be a time limit for finishing an inquiry.

My next point is this, Sir, after finishing the inquiry, after the submission of the report by the Commission, there is no action in any of the cases. Simply the Government receives the report and keep it without taking any action on the strength of the report. I would like to suggest that there must be some provision. There must be some sanction behind the report. Action must be taken on the strength of the report.

With these two general observations, I welcome this Bill.

MR. DEPUTY CHAIRMAN : Mr. Mohsin . . .

SHRI KRISHAN KANT (Haryana) : Sir, . . .

MR. DEPUTY CHAIRMAN : No, please. We have already taken more time on this. I have already allowed Mr. Chandra Shekhar from your party, . .

SHRI CHITTA BASU (West Bengal) : Listen to my submission. . .

MR. DEPUTY CHAIRMAN : I have called Mr. Mohsin, Please sit down. . .

SHRI CHITTA BASU : Listen to me. . .

SHRI BHUPESH GUPTA : Why are you cutting out ? On a point of order. . .

MR. DEPUTY CHAIRMAN : We have had enough discussion. . .

SHRI BHUPESH GUPTA : On a point of order. He is right. . .

MR. DEPUTY CHAIRMAN : Please sit down.

SHRI BHUPESH GUPTA : Since you have called from every party. . .

(Interruptions)

MR. DEPUTY CHAIRMAN : I have already called Mr. Mohsin.

SHRI BHUPESH GUPTA : On a point of Order .

SHRI A. D. MANI (Madhya Pradesh) : At third reading, Members should be given a chance to speak. How can you .

(Interruptions)

MR. DEPUTY CHAIRMAN : Not every Member can speak during the third reading.

SHRI BHUPESH GUPTA : You cannot just ignore the conventions and the Rules of the House. You have allowed certain parties. I am very glad that you have allowed me and this party. If some other party representing some who want to have their say, surely they cannot be excluded ; there should be no discrimination against them. If they do not like to speak I can understand. If you can persuade them it is a different matter. But if they insist on their right, as I have said, since we have the right to say, every party has the right to have its say. You can fix the time limit.

MR. DEPUTY CHAIRMAN : It is all right. I have heard your point of order. I have called the hon. Minister.

SHRI BHUPESH GUPTA : What is the point of order ?

MR. DEPUTY CHAIRMAN : There is no point of order ; please sit down.

SHRI BHUPESH GUPTA : It is arbitrary.

MR. DEPUTY CHAIRMAN : It is not arbitrary at all. I have given the maximum latitude to hon. Members. I have allowed hon. many Members to speak.

(Interruptions)

SHRI BHUPESH GUPTA : You cannot do that. Under what rule are you saying it ?

MR. DEPUTY CHAIRMAN : I know the rules ; please sit down.

SHRI BHUPESH GUPTA : Under what rule ?

MR. DEPUTY CHAIRMAN : Please sit down.

SHRI BHUPESH GUPTA : Under what rule are you doing this ?

SHRI AKBAR ALI KHAN (Andhra Pradesh) : Shri Bhupesh, please sit down.

SHRI BHUPESH GUPTA : The Deputy Chairman can look after himself very well. Under what rule ?

MR. DEPUTY CHAIRMAN : Please sit down now.

SHRI CHITTA BASU : How ?

(Interruptions)

SHRI BHUPESH GUPTA : Under what rule are you preventing Mr. Chitta Basu ? He represents a group, he is a group leader. Why are you preventing him ?

MR. DEPUTY CHAIRMAN : Please sit down now.

SHRI KRISHAN KANT : Certain wild charges have been made by some hon. Members.

MR. DEPUTY CHAIRMAN : We had enough discussion on them, Charges and counter-charges have been made. No discussion on them now.

SHRI KRISHAN KANT : Deliberately mischievous charges have been made by persons who themselves were found corrupt during your administration.

MR. DEPUTY CHAIRMAN : Mr. Mohsin please.

SHRI F. H. MOHSIN : Sir, . .

SHRI CHITTA BASU : I have to speak, Under what rule are you. . .

MR. DEPUTY CHAIRMAN : I am not going to allow anybody to speak.

SHRI BHUPESH GUPTA : You have to allow.

MR. DEPUTY CHAIRMAN : I won't allow; of course not. Please sit down now.

SHRI BHUPESH GUPTA : No, no. We are not going to sit down. Bullying tactics are not good.

MR. DEPUTY CHAIRMAN : I have called the Minister to reply.

SHRI BHUPESH GUPTA : It can't be. We want our right.

MR. DEPUTY CHAIRMAN : I know that.

SHRI BHUPESH GUPTA : You know very well you are not a Deputy Minister. You are speaking here because we supported you.

MR. DEPUTY CHAIRMAN : It is all right.

SHRI BHUPESH GUPTA : In the coming 1972 elections we shall see. We shall not allow you; we cannot allow you; Do you think you are a Government party man ?

SHRI SHYAM LAL YADAV : He will talk of distribution of time. . .

(Interruptions)

SHRI CHANDRA SHEKHAR : I shall request my friend Mr. Chitta Basu, not to insist on that. If the Chair has taken a decision, it should be honoured and I would request Mr. Bhupesh Gupta not to make it an issue. I am requesting Mr. Chitta Basu and Mr. Krishan Kant not to speak.

SHRI BHUPESH GUPTA : what is that ? What did you say Mr. Chandra Shekhar ?

SHRI F. H. MOHSIN : He is not pressing.

SHRI CHANDRA SHEKHAR : I said, if the Chair has taken a decision I would request you, Mr. Bhupesh Gupta, through the chair, to respect the wishes of the Chair and not to insist for this.

SHRI BHUPESH GUPTA : We have been insisting Mr. Chandra Shekhar, I would request you not to exert your good pressure and influence on us for heaven's sake. He is your party man and you can ask him. Normally we would have complied with your request but it is a matter of right. Normally when you make a request ninety per cent we accept it immediately. But here some parties have been allowed to say. Another leader of a group in this House is being precluded from having his say. Nothing in support of it. The Deputy

Chairman said, "I will not do it," Therefore, we say that we will also insist on our right.

SHRI CHANDRA SHEKHAR : Mr. Deputy Chairman, Sir, I do not want to suppress anybody or control anybody. These are neither my or anybody's partymen. I just request Mr. Bhupesh Gupta that if the Chair has taken a decision, that decision should be respected in the name and dignity of this House.

SHRI BHUPESH GUPTA : Is that the dignity that you shout us down ? Mr. Chandra Shekhar, you have also been the victim.

SHRI CHANDRA SHEKHAR : I know that. I only requested him personally not to press this point too far.

SHRI BHUPESH GUPTA : Why ? This is what I do not understand. If the Congress Party wants to bring pressure on us, well, it can do so. But I will request Mr. Chandra Shekhar not to bring personal influence on us. This is very embarrassing for us.

SHRI CHANDRA SHEKHAR : In future I will be with you.

श्री सुन्दर सिंह भडारी : उप सभापति जी, मुझे केवल एक ही निवेदन करना है जिन कारणों से आपने अपनी रुलिंग दी है उसको देने की आवश्यकता क्यों पड़ी ? बिजनेस एडवाइजरी कमेटी ने जो समय का निर्धारण कर दिया था उसको सामने रखकर आपने अपनी रुलिंग दी है, लेकिन मैं यह निवेदन करना चाहता हूँ कि बिजनेस एडवाइजरी कमेटी जो समय निर्धारित किसी चीज के लिए करती है उसका कई दफा इस सदन में पालन नहीं किया जाता है। जब किसी बिल या प्रस्ताव का आखिरी समय आता है तो उस आखिरी स्टेज में समय के पालन की यादबिहानी दिलाई जाती है। मेरा कहना यह है कि अगर आरम्भ से ही इस

बात का ख्याल रखा जाय कि बोलने वाले सदस्य को कितना बोलना है तो इस तरह से समय का आवंटन ठीक प्रकार से हो सकता है और सरकार को भी किसी बिल को पास कराने में कोई कठिनाई नहीं होती। कई बार इस तरह के सवाल खड़े हो गये कि समय का निर्धारण जो किया जाता है वह विचारों को दवाने के उपयोग में लाया जाता है। मैं नहीं चाहता हूँ कि यह समय की मर्यादा का सवाल किसी प्रकार से विचारों को दवाने के लिए एक हथियार के रूप में काम में लाया जाय। डिबेट होनी चाहिये और डिबेट ठीक प्रकार से कैसे हो, इसका संचालन प्रारम्भ से ही दिया जाना चाहिये ताकि समय का जो आवंटन है वह सदस्यों में ठीक प्रकार से हो सके और सदस्यों को भी बोलने का उचित अवसर मिल सके। अगर इस आधार पर समय का आवंटन किया जायेगा तो मैं आपके निर्णय का स्वागत करता हूँ और उस बात को सदन के सामने रखना चाहता हूँ ताकि वह रिकार्ड में आ जाय और भविष्य में जो समय के निर्धारण की प्रक्रिया है वह किसी आखिरी समय पर ही याद नहीं आनी चाहिये बल्कि प्रारम्भ से ही उसका ख्याल रखा जाना चाहिये तथा इस काम को हमेशा के लिये ठीक प्रकार से संचालन करने के लिए किया जाना चाहिये।

श्री उपसभापति : आपकी या सदन के किसी सदस्य को अवाज या विचारों को दवाने की कोशिश नहीं की जाती है। थर्ड रीडिंग में काफी सदस्यों ने अपने विचार, प्रीस एण्ड कौन्स, सभी तरह के विचार रखे हैं। और हमने किसी के विचार दवाने की कोशिश नहीं की है हमने तो केवल यह ख्याल किया कि थर्ड रीडिंग का समय है और नार्मली वह 10-15 मिनट में खत्म हो जाता है, लेकिन यहाँ पर तो एक घंटे से ज्यादा समय हो गया था और इसीलिए हमने कहा कि अब थर्ड रीडिंग को बंद कर दिया जाना चाहिये।

SHRI BHUPESH GUPTA : I rise to bring a privilege motion against the hon. Minister for telling a lie to the House. I will prove it. I would like it to be taken to the Privileges Committee. Give me the permission. I will prove it with documentation evidence.

MR DEPUTY CHAIRMAN : You will please give a notice.

SHRI BHUPESH GUPTA : Yes, I am bringing the motion. I shall bring the motion. I hope you will consider it. I will produce Mr. Sandhu of the Nav Bharat Times personally to you to testify ...

MR DEPUTY CHAIRMAN : Yes, Mr. Mohsin.

SHRI F. H. MOHSIN : I have heard Mr. Gupta and Mr. Sharma as well as others on the various points in the Third Reading. Many of them have suggested that the powers given to the Government should not be abused. It is a good suggestion from Mr. Gupta that the power should not be abused and should be properly used. They will be kept in mind. I may tell the House that so many ICS officers are also not spared. So many departmental enquiries have been conducted against them. Even recently some ICS Officers were proceeded against. The Government will not yield to any pressure from any side if they find that there is a *prima facie* case against any official or person who is even a non-official. Regarding the points made by Mr. Sharma, a former Chief Minister of Haryana, against the present Chief Minister that as many as 31 Members have signed a memorandum making some serious allegations, I have already stated that it does not depend on the number of persons signing. Mr. Lokanath Misra said the number always counts. He wanted to draw the attention to the numbers who have voted for our Party. There is much difference between the number that voted for our Party and the number signing against a Chief Minister making some allegations. I said that a *prima facie* case will have to be made out and there should be some reasonable point in the allegations. The allegations may be serious but without any basis

and in such cases the Government is not expected to take action. If a memorandum is signed by 12 or 13 and if a Commission is to be appointed, then I am afraid that there will have to be a Commission of Inquiry against every Chief Minister.

SHRI MAHAVIR TYAGI : It is always in the interests of the Government or the Party in Power. You must think those who have made the charges because a false charge is very good. You can hold an enquiry which can give a verdict that the charge is false. It is in the interest of those in power.

SHRI F. H. MOHSIN : There must be a *prima facie* case made out and there must be some truth in the charges.

SHRI SUNDAR SINGH BHANDARI : Who is to decide it ?

SHRI F. H. MOHSIN : The Government has to decide.

SHRI MAHAVIR TYAGI : If these are false charges, it will be in the interest of the Government.

SHRI F. H. MOHSIN : We do not say that will always be in the Government. You may also be in power some time and you look at the position you will find yourself in. You may say that you will never have that occasion but the time may arise even at the State level. Mr. Sharma was Chief Minister for some time. If 10 Members were to give a memorandum, in every case one cannot appoint an Inquiry Commission. If that is accepted, we may have to appoint Commissions in every State all the time. Do not think the House is of that opinion. We will have to restrict ourselves.

SHRI N. SARI RAM REDDY : In this House in the case of some State even Pandit Nehru gave an assurance that in cases where a *prima facie* case is made out, necessary steps for appointing a Commission would be taken up.

SHRI F. H. MOHSIN : I say the same thing even now.

SHRI N. SRI RAMA REDDY : You can give that assurance.

SHRI F. H. MOHSIN : Mr. Reddy knows that even in the case of Mysore against his own Party Chief Minister there were serious allegations asking for a Commission of enquiry from our Party Members and still the Government did not appoint on that occasion. He knows it fully well. Very serious charges against the Chief Minister were made but the Government have not done anything.

SHRI N. SRI RAMA REDDY : Please give an assurance to this House that if a *prima facie* case is made out you would take proper steps.

SHRI F. H. MOHSIN : I have already said it and I am saying it again. But the thing is a *prima facie* case has to be made out. It seems to be the trouble. As Mr. Chandra Shekhar has pointed out with Mr. Bhagwat Dayal Sharma it is a conflict between the Guru and the Shishya; I do not know who will succeed in the matter.

AN HON. MEMBER : Leader.

SHRI F. H. MOHSIN : Yes; leader and follower once upon a time.

SHRI BHUPESH GUPTA : There are other cases also. What do you say Mr. Minister to this ? Connected with the public undertaking the Report of the Parliamentary Committee has condemned the continued appointment of Mr. N. S. Rao, former Central Vigilance Commissioner, even after his retirement. The main culprit, Mr. Nayak, has manipulated his appointment again. What kind of steps would the Government take to stop this kind of things ?

SHRI F. H. MOHSIN : I must admit I have no information about this particular case that he has referred to. I will certainly look into it and information will be supplied to him.

SHRI BHUPESH GUPTA : You don't have information ?

SHRI F. H. MOHSIN : Yes.

SHRI BHUPESH GUPTA : But you have come with the Commissions of Inquiry Bill.

SHRI F. H. MOHSIN : About the Bill you can ask any question. But about this particular matter I have no information now.

SHRI BHUPESH GUPTA : I shall write to you. But you know very well that such things would come up in the course of the discussion on a Bill of this kind.

SHRI F. H. MOHSIN : Sir, Mr. Bhupesh Gupta also referred to the Sarkar Commission in respect of one business house I suppose.

AN HON. MEMBER : An industrial house.

SHRI F. H. MOHSIN : I do not have full information about the work of the commission but it is very difficult to prescribe a time limit for the conclusion of the work of Commissions.

SHRI KRISHAN KANT : Sir, on a point of order. When you are going to reply to Mr. Bhupesh Gupta, will you inform the House about...

SHRI F. H. MOHSIN : Certainly, I will.

Sir, it is expected that the Commissions would conclude their job as early as possible but it will be difficult to prescribe a time limit for them.

SHRI BHUPESH GUPTA : Why ?

SHRI F. H. MOHSIN : Because each case depends upon the allegations involved, on the number of witnesses that are to be examined etc. Sometimes the witness may have to come from very distant places, in some cases just one or two witnesses may be there whereas in some cases hundreds of witnesses may have to be examined. So the time taken for each case will depend upon the number of witnesses to be examined, the number of records that have got to be

[Shri F. H. Mohsin]

produced and so on and it is very difficult to fix any time limit for all the cases that may come up before Commissions of Inquiry.

Sir, I think I have sufficiently covered the points raised by Members and I commend the Bill for the acceptance of the House.

SHRI BHUPESH GUPTA : Sir, with regard to the time factor it has been brought to your notice by means of letters from Members of Parliament and personally I have also brought it to your notice that the ICS brotherhood has been delaying investigation deliberately in the case of the pipeline inquiry and in some other cases. They do not send the papers, they hold back the files and create difficulties in the way. Parliamentary committees also have brought this to the notice of the Government through their Reports. What assurance do we have that this notorious ICS brotherhood will not be allowed to protect men like Mr. Nayak by with holding papers, documents and files from the commission?

SHRI F. H. MOHSIN : Government will not allow anybody's influence in running the Administration. Government is competent enough to see that the ICS officers do not interfere in such matters.

MR. DEPUTY CHAIRMAN : The question is—

“That the Bill be passed.”

The motion was adopted.

SHRI BHUPESH GUPTA : Now it will be for the ICS officers to start it, I shall bring my notice. Although we have only two more days of this session, I mean it very seriously, because the statement he has made with regard to the advertisement given by Nava Bharat Enterprises to a brochure brought out by the National Federation of Indian Women is a serious breach of privilege. Sir, I am prepared to bring witnesses before the committee. Unfortunately I am a member of that committee. I do not know whether I can do so. Anyway I shall not attend the meeting of the Privileges Committee. I believe you are the Chairman of that Committee. I shall bring to you all the

papers and also bring the person, Mr. Sandhu and others, who will show that they did not give the advertisement because of any official influence. They have been associated with us for the last forty years. A telephone call from Bhupesh Gupta is more than enough for an advertisement—leave alone other things. Dr. Z. A. Ahmad is a Member of this House and his wife is a leading Member of the National Federation of Indian Women, and she is a family friend of the family of Mr. Sandhu.

MR. DEPUTY CHAIRMAN : You may give notice of your motion.

SHRI BHUPESH GUPTA : Now the statement has been made that because of official influence the advertisement was given. That was not at all the reason. It has nothing to do with it, and that is my contention. Therefore, it is a fit case of breach of privilege of the House, because he has deliberately misled the House.

MR. DEPUTY CHAIRMAN : You give due notice of your motion.

SHRI BHUPESH GUPTA : I am giving tomorrow notice of a privilege motion and within two days you take it up in the Privileges Committee.

RESOLUTION *RE* INTERIM REPORT OF
THE PARLIAMENTARY COMMITTEE
APPOINTED TO
REVIEW THE RATE OF
DIVIDEND PAYABLE BY THE
RAILWAY
UNDERTAKINGS TO
GENERAL REVENUES

THE MINISTER OF RAILWAYS/
रेल मंत्री (SHRI K. HANUMANTHAIYA) :
Sir, I beg to move the following Resolution :

“That this House approves the recommendations contained in the Interim Report of the Parliamentary Committee appointed to review the rate of dividend which is at present payable by the Railway Undertaking to General Revenues as well as other ancillary matters in connection with the railway Finance vis-a-vis the General Finance which was presented to Parliament on the 7th December, 1971.”