

[Mr. Chairman.]

only want to point out to the press that they owe a great responsibility to this House and in giving headlines they should not do anything which can be taken as partisanship or any such thing.

SHRI BHUPESH GUPTA : Thank you, Sir. I withdraw the motion. I am quite satisfied with the observation that you have made.

REFERENCE TO NOTICE OF QUESTION OF PRIVILEGE AGAINST SHRI C. SUBRAMANIAM, THE FOOD MINISTER

MR. CHAIRMAN : Mr. Bhupesh Gupta will you please, if possible, briefly tell me why you want to raise the question of privilege ?

SHRI BHUPESH GUPTA (West Bengal) : Even in this matter. Sir much as I would like to follow your direction, it is very difficult to be very brief.

MR. CHAIRMAN : This matter has been pending for two days. Mr. Gupta has given a notice of privilege question against hon. Mr. Subramaniam. I have not given my consent to that being taken up as a privilege motion. There are several things which he has said and which are not clear to me. Therefore, I would like him to tell me why he thinks it should be done. I would allow him and the other gentleman. Shri Rajnarain who has raised this, to have their say and then the Leader of the House will say something.

SHRI CHANDRA SHEKHAR (Uttar Pradesh) : Mr. Chairman, I would request you to look at Rule 190 of the Rules of Procedure. My friend, Mr. Gupta, has read Rule 187 whereby you can give consent to raise any matter. But Rule 190 says :

"The Chairman, if he gives consent under rule 187 and holds that the matter proposed to be discussed in order, shall, after the questions and before the list of business is entered upon, call the member concerned, who shall rise in his

place and, while asking for leave to raise the question of privilege make a short statement relevant thereto."

If you give your consent, that matter can be raised as a question of privilege. If it is granted that you are going to give your consent to the hon. Member . . .

MR. CHAIRMAN : I have not given my consent. Why don't you listen to me ? I have not given my consent to entertain this as a privilege motion. I am only wanting an explanation from him as to why he wants that consent.

SHRI I. K. GUJRAL (Delhi) : On a point of order, Sir. My submission is that you are, while permitting the hon. Member. Mr. Gupta, and another gentleman in the House to raise this question and also permitting the Leader of the House to express his views, limiting our right to express our views. This is complete denial of this privilege to us. When an hon. Member raises a point in connection with the privileges of the House, we also have an equal right to express our views on the issue. Therefore, Sir, if you are going to give permission to Mr. Bhupesh Gupta or the other gentleman to raise an issue which is of vital importance, whether the privilege of the House has been breached or not, we also should be given an equal opportunity to express our views; an equal opportunity should be afforded to some of us who might also have to say something about it.

MR. CHAIRMAN : If I give my consent . . .

SHRI I. K. GUJRAL : I will take one second. You know, Sir, I never encroach upon your time. If you, Sir, come to the conclusion that this question has to be a limited one and that you will allow only two hon'ble Members to speak and the Leader will reply, then since it is a very sensitive matter you should allow us also to express our view instead of having a discussion with the gentlemen and coming to a conclusion rather than deny us the opportunity . . .

MR. CHAIRMAN : As a matter of fact, two days ago I told Mr. Gupta, when he wanted my permission, that I would allow him to explain to me the position. And I said that I would ask the House also to explain their views to me . . .

AN HON. MEMBER : And also the Food Minister.

MR. CHAIRMAN : Yes, and also the Food Minister, in order to come to a decision whether it is a question of privilege. When I give my consent to the privilege motion the House would discuss it.

SHRI I.K. GUJRAL: No, Sir. My submission is that the very fact that you are permitting an hon'ble Member of this House to submit to you something which concerns the privilege of the House, privilege is not a personal privilege. Privilege is privilege of the House. If any hon'ble Member, whether he is a Minister or not, is allowed to have his say on the breach of the privilege of the House, then those who constitute a part of it have a right to request you to kindly give them the time to submit what their views on the subject are. The issue is not confined between Mr. Bhupesh Gupta and Mr. Subramaniam. The issue, if it is really an issue of the breach of privilege, is really confined to the whole House. The very fact that you are gracious enough to permit two Members of the Opposition to submit to you and make certain allegations, if the same right, is denied to us, the difficulty would be that those of us who hold views divergent from theirs will be denied to submit their views and you will be deprived of the advice of that section of the House which holds divergent views in establishing a *prima facie* case. The *prima facie* establishment of the case should be decided when we are also given the same opportunity as you propose to give to two Members of the Opposition. If this opportunity is being denied to us, then this opportunity should not be extended to anybody.

श्री राजनारायण (उत्तर प्रदेश) : जरा एक मिनट सुन लिया जाय ।

श्री सभापति : क्या जरूरत है ?

श्री राजनारायण : मेरा निवेदन है कि इनका पाइन्ट आफ आर्डर सही है । इसलिये सही है कि जैसे हमको मौका दे रहे हैं कि हम आपको यह बताएं कि यह ब्रीच आफ प्रिविलेज का प्रश्न कैसे बनता है, वैसे ही सदन के द्वारा सदस्य को यह हक है कि वह

आपको यह बताए कि ब्रीच आफ प्रिविलेज का प्रश्न क्यों नहीं बनता । इसलिए मैं आपसे निवेदन करूंगा कि इस सदन का जो भी सदस्य कहना चाहे उसे मौका दें ।

SHRI M. M. DHARIA (Maharashtra) : I may here support, with your kind permission, the point of order raised by Mr. Gujral. When Mr. Bhupesh Gupta will be given this opportunity to have his say the House will not be concerned only with what the hon'ble Chairman or the hon'ble Leader of the House or the hon'ble Minister has to say. It will be a matter for the whole House. In that case, Sir, we have every right to have our say and we believe that you will kindly allow us to have our say. If it is not to be allowed, then these discussions may be done in the Chamber and not in this House.

SHRI M. N. KAUL (Nominated) : The practice and procedure in this matter are well-settled. It was laid down clearly long ago by Speaker Patel. Sir, as you know, it is the discretion of the Speaker to admit a notice or to refuse admission. That is, Sir, your absolute discretion and nobody can question it, and you are not bound to give reasons. It is equally, Sir, your discretion, as Speaker Patel pointed out that in some cases you may place the matter before the House in order to inform yourself of the facts and seek such assistance from the House as may be necessary. In any case, here the short point, as you put it clearly, was that you wanted to hear a few Members to decide whether you should give your consent or not. There is no full-dress debate at this stage. The short question is that instead of discussing it in your Chamber, you would like to hear the points of view in the House itself and then determine the question whether consent should be given or not. (*Interruptions*) Let me complete.

Now, another question that has arisen is as to now many Members you should hear. On that too the practice is well settled, that in such a case it is the absolute discretion of the Speaker to hear as many Members as he likes. The normal rule is that you should ask one or two persons from one side and one or two persons from the other side to state their case. It is not at all necessary that you should hear a

[Shri M. N. Kaul.]

large number of Members. The matter is settled on hearing a few Members on each side because you are not, at this stage, Sir, allowing a full-dress debate. You are making a preliminary investigation of facts and ascertaining reactions so that you may make up your mind whether consent should be given or not. This is the short question. Therefore, you will choose such persons as you like because you want to be advised. It is only for your guidance and you can regulate it in your discretion as you think best. There is no full discussion at this stage.

SHRI BHUPESH GUPTA : As far as I am concerned, I may make it clear that I have no objection to your hearing all the Members.

(Some lion. Members stood up in their seats) MR. CHAIRMAN : Would the hon. Members please sit down ?

SHRI A. P. CHATTERJEE (West Bengal) : What Mr. Kaul has just now said is not at all defensible. He wanted to identify the House with the Chamber. As far as Mr. Raul's contention is concerned, if I understood him aright, he said that you can advise yourself as to the justifiability of this notice of privilege in your Chamber and also get yourself informed in this House. That really makes your Chamber and the House almost homogeneous and the frontiers indivisible between the Chamber and the House. I think Mr. Kaul's contention is not right. If you at all decide to get yourself informed about the justifiability of this notice of privilege, then, Sir, in my humble submission and with great respect I say that you should get the opinion of all sections of the House. In order to be better informed your information on this point should not be limited only to a few persons to be picked and chosen by you. I think that is what Mr. Patel, the Speaker, to whom Mr. Kaul referred, has said. That is also his ruling because Mr. Patel said at that time that either you decide in your Chamber or you place it before the House. If you place it before the House, it is the right of the entire House to give expression . . .

(Shri A. D. Moni stood up in his seat)

MR. CHAIRMAN : Mr. Mani, I have amply understood the situation and I have made up my mind a second time . . .

SHRI P. N. SAPRU (Uttar Pradesh) : Sir, it happened with me some years ago. There was a report of a speech in a paper . . .

HON. MEMBERS: This is something else.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : I want just to respectfully. submit . . .

MR. CHAIRMAN: Mr. Akbar Ali Khan, I feel I have understood the matter abundantly. So many points have been raised and I have understood them.

SHRIMATI LALITHA (RAJA-GOPALAN) (Madras): Sir, Rule 189 of the Rules of Procedure lays down the conditions for the admissibility of a privilege motion. One is :

'the question shall be restricted to a specific matter of recent occurrence;

(ii) the matter requires the intervention of the Council.'

I would seek your ruling on this point. I should like to know whether this matter should be raised at this stage, whether it needs the intervention of the Council now.

MR. CHAIRMAN : On what do you want my ruling ?

SHRIMATI LALITHA (RAJA-GOPALAN) : Regarding the conditions to be fulfilled for the admissibility of the question of privilege.

MR. CHAIRMAN: I do not think any ruling is necessary on that.

SHRIMATI LALITHA (RAJA-GOPALAN) : It does not need the intervention of the House at this stage. That is a matter of procedure.

MR. CHAIRMAN: I think it is a Mr. Gupta, will you please explain the matter in which this House can intervene, position, if possible, briefly ?

SHRI BHUPESH GUPTA: Sir, you will understand that even on the question whether I can raise the case, so much time has been taken. I hope hon. Members will kindly bear with me if they think that it is not as brief as it could be. I am of the view that it is a matter which concerns the House. I rise in no partisan spirit in this matter. If the House indicates any particular way, I would abide by that. In this matter I am in your hands. It is for you to decide as to how to treat this motion. In my letter to you, dated 9th August, I wrote, in regard to this privilege issue which I have raised for your consideration and consent, that Mr. Subramaniam was guilty of suppressing facts and suggesting falsehood and misdirecting the Public Accounts Committee. (Inter* ruptions) He was guilty of obstructing the work of investigation by the Committee and made certain unfortunate remarks about the Committee. These were the salient points that I made in the letter which I wrote to you, none of which, I think you will see, relates to any party matter or a matter that could be viewed from a partisan angle, or a narrow angle. It is not an issue between the Opposition and the Government side. It is an issue between the House and its rights and privileges on the one hand and what we know to be infringement and violation of those rights and privileges amounting to a clear contempt of the House.

DIWAN CHAMAN LALL (Punjab) : When did Mr. Subramaniam make this alleged statement ?

SHRI BHUPESH GUPTA : The P.A.C. has mentioned it.

DIWAN CHAMAN LALL: When? Was there any delay in the matter in your bringing it before the Chairman ?

SHRI BHUPESH GUPTA: I brought it as quickly as possible. If you want me to be faster, in future I shall try. I apologise to the House to have not been quick enough in dealing with this matter. The privilege issue arises out of the conduct of Mr. Subramaniam. The conduct has two aspects, one in relation to the group of firms, Aminchand Pyarelal and Company, and the other in relation to the

P.A.C. The Minister's conduct constructively embraced those of the officers concerned of his Ministry. I would ask you to note this point. In this connection I would refer you to the judgment delivered by Mr. Chagla in the case of Mr. Mun-dhra where he laid down clearly what constituted the constructive liability and the vicarious liability of Ministers in regard to the conduct of their officers. Therefore the conduct of the officers also come in here. The Minister is answerable for them. As far as the conduct of the Minister in regard to the group, Aminchand Pyarelal and Sons, is concerned, this raises large political and administrative questions.

(Interruptions)

SHRI B. K. P. SINHA (Bihar) : I have a point of order to make.

SHRI BHUPESH GUPTA: I cannot proceed. You can ask me to stop.

SHRI B. K. P. SINHA: I find from a list that the Committee of Privileges is constituted of ten hon. Members of this House and hon. Mr. Gupta is one of them,

SHRI BHUPESH GUPTA: What of it?

SHRI B. K. P. SINHA : Is it open to a Member of the Committee which has ultimately to give a decision on a matter, to raise the issue in this House? Can a judge be in the position of a prosecutor also ?

SHRI BHUPESH GUPTA : I have been a Member of the Privileges Committee of the House for a long time and there have been occasions when Thacker-say Group case and others had been raised here. The matter was referred to the Privileges Committee and I did not participate in the proceedings of the Committee. These are there in the records of this House. I assure you, I will not participate in the meetings of the Privileges Committee. I am an accuser here and how can I be the judge? Why did you stop me ?

[Shri Bhupeth Gupta.]

As far as the conduct of the Minister in regard to the Aminchand Pyarelal group of firms is concerned, this raises large political and administrative questions as also the question of norms to be observed by Ministers. In particular, it raises the question of whether a particular Minister should be allowed to continue or not after what has appeared in the 50th and 35th reports of the P.A.C. but at the moment I am not here going into the larger aspect of the matter. I have given notice for discussion on the relevant comment of the P.A.C. and we can return to the subject when the motion is taken up for consideration before the House. I would only request permission of the House through you so that it is taken up at an early date in public interests.

Let me come to the second question, namely, the Minister's conduct in regard to the P.A.C. Here again, the Minister's conduct vicariously extends to conduct of certain officers under his Ministry at (ho relevant time. This forms the subject-matter of the privilege issue I am raising before the House this morning. My main charge is that Mr. Subramaniam and the officers under him, for whom he is responsible, deliberately and wilfully resorted to *suppressio veri* and *suggestio falsi* before the P.A.C. and hence before Parliament. The P.A.C. is a Committee of Parliament. It adopts the functions of the Parliament in that limited sphere. They tried to mislead the P.A.C. and through the P.A.C. this House and Parliament. They obstructed the work of the P.A.C. They tried to distort its functioning with a view to covering up certain favour shown to Aminchand Pyarelal group of firms in regard to which comments have been made by the P.A.C. in its 50th report and also reiterated that position in the subsequent report, the 55th report. In doing so, the Minister tried to influence the P.A.C., if not pressurise it. This attitude on his part is not an isolated event. It is indeed a projection of the attitude of the Government of which he is a Member towards the P.A.C. and the House. This would be shown in the statement which was made in the Rajya Sabha in regard to a Calling Attention Notice by some Members on

27th July arising out of, again, the question of the same P.A.C.'s 50th report. That statement was made in violation of the convention and for publicly defending the action of the Ministry in the face of the findings of the P.A.C. If you have the principle of collective responsibility of the Cabinet in mind, the statement of the Finance Minister on 27th July would seem closely connected with the behaviour of the present Food Minister. They reveal the Government's mental attitude towards the P.A.C. and hence to this Parliament. These are the observations.

Let me come to specific things. I will point out what I consider to be the wrong acts coming within the mischief of the breach of privilege. We have before us the two reports. On 16th November, 1962, there was an order by the Minister blacklisting the Aminchand Pyarelal group of firms from all dealings with the Iron and Steel Controller, *vide* page 3 of the 55th report. On 29th June, 1963, a second order was issued blacklisting the group of firms from all the departments of the Government—page 4 of the 55th Report. The order was passed by Mr. Subramaniam. On 20th July 1963 Mr. Jit Paul of that firm met the Minister. This fact was suppressed by the Secretary of the Ministry during the first investigation as has been pointed out at page 8 of the Report. On 23rd July, 1963, the earlier order of 29th June 1963 was modified by the Minister. The modification said that the order for blacklisting applied only to the Iron and Steel Controller's office. This means no new punishment after 16th November 1962 although new objectionable activities were indulged in by the firm concerned. Now, the Minister tried to explain that the order of 23rd July was wider than the order of 16th November 1962. The P.A.C. rejected that interpretation of the order and the suggestions and contentions made by the hon. Minister before the public Accounts Committee. The Committee says: "The remarks of the Minister were rather unfortunate." Now here again there were these remarks. But these remarks took place in another place. Now, we do not take notice of what happens in another House, but now we can take notice of it because this; forms part of the Fifty-fifth report of the Public Accounts Committee. At page

of its latest report the Committee has incorporated this statement by the hon. Minister, Mr. Subramaniam. Mr. Subramaniam observed :

"It is rather surprising to me that an observation should have been made suggesting that I had reconsidered certain orders without adequate reason."

When the Committee remarks after going into the whole matter :

"In view of the above facts the Committee feels that the above observation of the Minister was rather unfortunate."

Very polite language but, all the same, the implications are serious.

Now, Sir, the point is there are two aspects. First of all, certain things happened before the Fiftieth Report was published. What happened is contained in the Report and the Minister is vicariously responsible for certain things that were not placed before the Public Accounts Committee before it produced its Fifty-fifth Report. Now, this matter was not merely suppression of a particular letter, a particular fact about a blacklisted firm. Certain explanations were given. Certain things were ought to be explained away in a particular manner. But that is again an attempt on the part of the officers, on the part of the Government Secretary for whom the Minister is responsible, to misdirect the work of the Public Accounts Committee. Then after that something happened. The matter came up in the Lok Sabha, which has been referred to here, and the hon. Minister made a statement—which I have read out from the Fifty-fifth Report—that "it is rather surprising to me" etc. When this matter was raised there, he said :

"It is rather surprising to me" etc. From another source with explanation and I shall deal with that explanation. His emanation was that by "surprised" he meant he was taken unawares, that he did not mean any reflection on the Public Accounts Committee. Now, Sir, there is a law; there is a guiding rule that we go in such matters by the natural meaning of the English word, and whatever the hon. Minister had in mind or not is secondary. First of all let us see what we get by the L73RS/66—5

natural meaning of the English word. If there are questions of intention, they can be considered in the Privilege Committee. But it does seem that the Public Accounts Committee is not satisfied with the exposition of the intentions behind this word, which is stated in the Public Accounts Committee's Fifty-fifth Report.

Now Mr. Chairman, I would invite your attention, since much was made about the word 'unawares' . . .

SHRI C. D. PANDE (Uttar Pradesh) : Mr. Chairman, on a point of order. Sir, you were pleased to allow Mr. Bhupesh Gupta to have his say because you wanted to know whether there was a *prima facie* case or not, and you allowed him a brief time. And now may I know from him whether he is proposing to have a full-fledged debate. What is the position ? He is dealing with the substantive motion whereas you wanted him to make his points in brief. I think you are so intelligent that you can well understand the points made by him in his notice of motion. Now what is the purpose of his going on like this?

MR. CHAIRMAN : Mr. Bhupesh Gupta does not leave it to my intelligence. He wants to explain.

SHRI BHUPESH GUPTA : I have greater faith in your intelligence, but I am not sure about the intelligence of others.

SHRI M. M. DHARIA : Sir, I would like to invite your attention to rule 190(2). I am here to object to granting any leave to Mr. Bhupesh Gupta to raise this issue of privilege because under rule 190(2) it says :

"If objection to leave" . . .

SHRI BHUPESH GUPTA : You can object later. Let me finish now.

MR. CHAIRMAN : It is very difficult for me if everyone goes on like this. Still I shall listen to everything that you say. But this rule 190(2) was referred to before, and in spite of that I have decided to, allow him speak, and let him speak.

SHRI M. M. DHARIA : Now, Sir, the provision in the rule is this :

"If objection to leave being granted is taken, the Chairman shall request those members who are in favour of leave being granted to rise in their places, and if not less than twenty-five members rise accordingly, the Chairman shall intimate that leave is granted." * * *

The point I raise is this that, unfortunately the rules do not provide for this interim arrangement which you have made today. If Mr. Bhupesh Gupta is to be granted this leave, I raise this issue and I object to such leave. I just suggest that there is no provision in the rules for this interim arrangement; it is not at all in accordance with the rules. There is no single rule wherein what you have stated could be done.

MR. CHAIRMAN : Your contention is that it is not provided for in the rules. If it is not provided for in the rules, it is under my residuary powers.

SHRI M. M. DHARIA : In that case the instructions that are given by your honour should be necessarily obeyed by the hon. Member, namely that he had been asked to make only a brief statement. Why is this lengthy statement being allowed ? That is why I referred to the rule and objected to it. It should not be so.

MR. CHAIRMAN: I would request Members to cut short this thing. Let Mr. Gupta have his say and then later . . .

DIWAN CHAMAN LALL : May I invite your attention, Sir, to rule 18T which provides :

"Subject to the provisions of these rules, a member may, with the consent of the Chairman, raise a question involving a breach of privilege either of a member, or of the Council or of a committee thereof."

SHRI BHUPESH GUPTA : So Sir . . .

MR. CHAIRMAN : It is addressed to me or to Mr. Dharia?

DIWAN CHAMAN LALL : It is addressed to Mr, Dharia.

SHRI M. GOVINDA REDDY (Mysore) : Sir, you have permitted Mr. Bhupesh Gupta to raise this issue just to inform yourself. Now there is the difference between moving a motion and speaking, and satisfying you on the *prima facie* aspect of the case. But what Mr. Bhupesh Gupta is doing now is that, even before making the motion, he is advancing all the arguments in favour of the motion. Now, this is not trying to convince you of the *prima facie* aspect of the case.

MR. CHAIRMAN : Because he thinks that would help me in making up my mind. I would request Members not to take time in this manner.

SHRI BHUPESH GUPTA : Let us at least have a say so that you can make up your mind.

SHRI G. M. MIR (Jammu and Kashmir) : Sir, suppose you come to the conclusion that there is no *prima facie* case, in that event, you will not be able to undo the harm that is now being done by the hon. Member because he is talking all and sundry. Now this will go to all countries and all people. What will happen later ?

MR. CHAIRMAN : I cannot allow these points to be raised over and over again. I have dealt with them. I have allowed Mr. Gupta to have his say and I would request the House to have patience with him.

SHRI M. M. DHARIA : But he should be brief.

DR. ANUP SINGH (Punjab) : With your permission, Sir, I would like to make one very simple and humble observation. I would like to know what kind of speech Mr. Bhupesh Gupta will make. I know he can make speeches any time, provocation or no provocation, but assuming that you allow this motion to be entertained, what arguments will he advance more than what he is saying now ? My submission is that under cover of informing you or helping you to come to a decision, he is making a major speech on the motion itself. My submission would be, notwithstanding the rules

that Mr. Kaul has cited—I certainly agree that he is an outstanding authority—the titles are for our guidance. But the common sense approach will be that instead of allowing these speeches—this is my humble suggestion; you have taken a decision now—my request will be that in such cases it will be better to get the opinion of a cross-section of the House through some Members to inform yourself. Otherwise we are doing great damage in advance, before the motion is entertained.

MR. CHAIRMAN : I am fully conscious of the fact that no damage should be done, and I would only be guided by what is said from this side and what is said from that side and I would request Members not to make unnecessary objections now in order to facilitate the proceedings. Let Mr. Gupta have his say.

SHRI BHUPESH GUPTA : You can say all that. It is good but that will also be heard by the public outside. What you have said is good. It suits me politically but not from the point of view of the privileges of the House. Now, Sir, I was coming to that and some hon. Members have understood it. Well, it is good that they have understood it. But, Sir, I must satisfy myself that I have placed the thing before you. Now, what was said by the hon. Minister in another place on this point? He stated that when he said he was surprised he did not have in mind the meaning that the word conveyed. But he had actually in mind that he was taken unawares. Now, the Concise Oxford Dictionary says that "Aware" means "Conscious, knowing" and "Unaware" means "Unconscious, without any knowledge". Now, in that context, Sir, "surprise" has an entirely different meaning. One is surprised when something happens against his expectation. The Concise Oxford Dictionary again says that the word "Surprise" means "contrary to expectations of". When contrary to expectation something happens, then there is surprise. Therefore, what the hon. Minister said in another place on May 17th was that certain things happened contrary to expectations. There is no question of his being taken unawares. Whether he was taken, unawares or not, that question did not arise. That is what he said. Sir, I would request you to read

these words. They are surprising. It is rather surprising. You should read them along with the words 'adequate reason' :

"It is rather surprising that an observation should have been made suggesting that I had cancelled certain orders without adequate reason."

That should be taken conjunctly with the other. They are part of one complete sentence. Therefore, what surprised him really was that what he had stated before the Public Accounts Committee, or what the Ministry had stated, did not provide adequate reason. Is that not *prima facie*, casting a slur on the Public Accounts Com-, mittee, its judgment and assessment?

SEVERAL HON. MEMBERS : No, no.

SHRI BHUPESH GUPTA : You may say whatever you like. In these papers we have got the evidence and it is laid in the Library and the Minister repeats that if a comparable situation arose he would again do the same thing, that the same orders he would pass. Then again he said :

"In the final order I have toned down the rigour of that order and confined the - application of the ban to that imposed by the Iron and Steel Controller."

"I have toned down the rigour of that order," he says on the 28th July. Therefore, what was the reason for his toning down the rigour of that order, may be a matter for the consideration of this Committee. That is what he says. Was it done without any reason? Was there any reason for toning it down? Here he does not put the question like that, whether there was any valid reason for toning down the order or not. (*Interruptions*) Please allow me to develop my argument. It is a matter of opinion. But the main point is the Public Accounts Committee did not accept that reason. Neither did they take it in the 50th Report in which they say : "It is not understandable". They say about the above order that the Sub-Committee are unable to understand the circumstances under which the Minister changed his previous order so soon about the business suspension with Messrs. Amind Chand Pyare Lai group. The Public Accounts Committee in its Fiftieth Report was not convinced. They did not understand. Now here

[Shri Bhupesh Gupta.] is a situation in which the Public Accounts Committee, and hence Pailiament, does not understand why the order was modified.

Coming now to the latest Report, the Fiftyfifth Report, here is an interesting thing. The Minister met the Committee. First of all, it is not customary for Ministers to meet the Public Accounts Committee. Here a Minister met the Public Accounts Committee for the first time, I believe since the coming into effect of the present Constitution of ours. I will not go back beyond that. Now, a meeting took place, not at the instance of the Public Accounts Committee, but the Minister requested the Chairman of the Public Accounts Committee for an interview, for a meeting. It was granted and then, Sir, what happened ? On the 26th July, according to reports, the Public Accounts Committee comple/ed its work and finalised its Report. After that an interview was sought and this interview took place a few days later. That is something unheard of and the presumption arises, therefore, may be that he had some intelligent guess, may be that he had been informed by some people (hat the Report of the Public Accounts Committee, their Fiftyfifth Report, was not going in his favour. Therefore, he took the extreme step of going and asking for an opportunity of appearing before the Public Accounts Committee and making these submissions that he has made. Then again, after hearing him, after hearing whatever he had to say—copy of it has been laid in the Library and it is a long thing, the entire record of the evidence— the Public Accounts Committee comes to the conclusion and sticks to its position with regard to the findings and contents in—the Fiftieth Report, ft does not budge an inch. The Public Accounts Committee does not resile from its previous position at all. On the contrary, the Public Accounts Committee has made certain remarks there nnd made some comments. They have said that their work had been inconvenienced .

MR. CHAIRMAN : Mr. Gupta, I want to put a question to you. If you ask me to raise a question and then I allow you, is it a question of the privilege of the House ? The Minister wanted to appear

before that Committee of Parliament and the Chairman allowed it. If you ask me permission to raise a question before the House and I allow you, is it a question of the privilege of the House? I would like to know that.

SHRI BHUPESH GUPTA: No, no. You are right, Sir. But the circumstances are there. The circumstances were built up from the time the Fiftieth Report saw the light of day, in fact when it was under preparation up to this day. I am not saying that by asking this meeting he had committed a breach of privilege or he did it by appearing before the Committee.

MR. CHAIRMAN : But you were making the point that this was the first time in our history that this thing happened and all that.

SHRI BHUPESH GUPTA : This is important, because this extreme step was taken by the Minister, with regard to certain observations. Therefore, it only adds to the enormity and it only aggravates the charge. I am not saying anything. It is for you to decide. I am not questioning his right, or saying that he has no right to appear. That I am not saying.

Now, Sir, with regard to his meeting the Committee and appearing before them, what happened ? What did he say ? He did not even offer an apology. Sir, the normal convention is that they do not question the Public Accounts Committee. It is not done in the other House. It was done here by the Finance Minister making a statement on the 22nd July, and Mr. Subramaniam is a part of the Government. He made it earlier on May 17th in the other House. And Mr. Subramaniam expresses surprise even after all that had happened and before the Public Accounts Committee he did not tender an unconditional apology. He may express regret if somebody is hurt. But that is quite a different thing. Somebody may be hurt, may not be hurt. Somebody may not be hurt even by a bad act, but does it mean that the bad act becomes good ? And what he has stated in his evidence is surprising enough. He says, "Every sinner has a future". That is a *very* interesting statement. But it did not occur to him, it seems, that there are some sinners who

make others also sinners. There are some sinners who never change. You see that These are the statements he has made. I therefore, it is clear from the entire case the Public Accounts Committee has been obstructed, that facts had been withheld from the Public Accounts Committee, and hence from Parliament because this way we rely upon the Public Accounts (ommittee. There has been a deliberate attempt to mislead the Committee and to suppress facts and for everything that the Secretary of the Ministry had done the Minister is liable. Now, we do not have the letter received by the Transport Ministry. We do not have that letter and I am suffering from that handicap. We do not have the letter that was written to the Minister which made him change his mind. We do not have the notings on the files of the Steel Ministry which are also all relevant, I am asking that it should be laid before the House immediately. But in all fairness, this House should be appraised of these things and all these things should be made available to the House.

And finally, Sir, . . .

MR. CHAIRMAN : Mr. Gupta, . . .

SHRI BHUPESH GUPTA: Finally, Sir. I want to say that *prima facie*—I finish just now . . .

AN HON. MEMBER : Thank you.

SHRI BHUPESH GUPTA : *Prima facie* there is a strong case of contempt of the Public Accounts Committee by the hon. Minister, at his own instance, and also vicariously because the Secretary who is under him did the same thing as I have indicated. He pursued this matter till the end when he appeared on the 1st August before the Public Accounts Committee and stuck to his own position, more or less. Therefore, here is this matter and it should go to the Privileges Committee. Let the Privileges Committee discuss it. I am not asking you, Sir, to give a ruling just now. Let the Privileges Committee assess this matter, examine all the documents and all that and then come to the conclusion whether there is a case or not.

[P.M.]

श्री राजनारायण : श्रीमन्, मैं आपके द्वारा इस सदन के सम्मानित सदस्यों से एक अपील करूंगा और माननीय भूपेश गुप्त से भी अपील करूंगा कि जरा शांति के साथ वे हमारे प्वाइन्ट्स को भी सुनें ।

श्रीमन्, यह सवाल विशेषाधिकार अवहेलना का है । विशेषाधिकार अवहेलना के प्रश्न पर . . .

श्री सभापति : आप दस पन्द्रह मिनट में खत्म कर दीजियेगा । मैं पहले ही कह रहा हूँ ।

श्री राजनारायण : जैसा कि इस सदन में हम देख रहे हैं कि रिपीटीशन होता है, हम वैसा नहीं करेंगे, मगर यह प्रिविलेज का प्रश्न हम चाहेंगे कि जल्दी खत्म हो ।

श्री सभापति : हाँ, जल्दी खत्म हो ।

श्री राजनारायण : तो आप के द्वारा मैं निवेदन कर रहा हूँ कि . . .

SHRI P. N. SAPRU : Mr. Chairman, on a point of information. Are you going to have a full-fledged debate?

MR. CHAIRMAN : I have said times without number, Dr. Sapru, that this is not a full-fledged debate. I am asking the two gentlemen who have given the notice and I will ask the Leader of the House and the Minister, if possible, to explain the matter,

SHRI P. N. SAPRU: Mr. Bhupesh Gupta has delivered a speech for about an hour or 45 minutes and now Mr. Rajnarain proposes to talk for another hour. It is not very correct.

श्री सभापति : मैंने कहा कि यह डिबेट नहीं है । मैंने दो आदमियों को उधर से इजाजत दी है और दो आदमियों से उधर भी कहेंगे । आप तशरीफ़ रखिये ।

श्री राजनारायण : श्रीमन्, मेरी आदत नहीं है कि मैं जरा जोर से बोलूँ । मगर यह सही है कि कोई हम को प्रोवोक करता है तो हम भी जरा प्रोवोक हो जाते हैं । मैं यह

[श्री राजनारायण]

निवेदन कर रहा हूँ कि अगर हम प्रिविलेज के प्रश्न पर सुनने के लिये तैयार है तब तो इस समय हमको कुछ बोलने की आज्ञा दें और अगर सदन के सम्मानित सदस्य थके हों तो आप इसके बाद ढाई बजे ले लें।

श्री सभापति : मैंने आपसे कहा कि कहिये।

श्री राजनारायण : तो मैं नमस्जता हूँ कि जब चेयरमैन साहब मुझको आज्ञा दे रहे हैं तो सदन के सम्मानित सदस्य जो कि डीसेंसी और डिक्ोरम का नाम अक्सर लेते रहते हैं, वे उसको मेनटेन करेंगे और हमको प्रोवोकेशन में नहीं जाना चाहिये।

मेरा निश्चित मत है कि यह विशेषाधिकार अवहेलना का प्रश्न बनता है क्योंकि जो पी० ए० सी० है वह राज्य सभा और लोक सभा दोनों से बनती है। मैं उस प्रश्न में नहीं जाऊंगा जिसको भूपेश गुप्त जी ने कवर कर लिया है। मगर मैं यह कहना चाहता हूँ कि पब्लिक एकाउन्ट्स कमेटी की जो रिपोर्ट 55वीं है उसके 2 (2) में यह है :

"As there was no precedent for a Minister appearing before the Public Accounts Committee the direction of the Speaker was sought. The Speaker directed that the Chairman, P.A.C., should have a talk with the Minister of Food, Agriculture, Community Development and Co-operation in the first instance, and thereafter if the Chairman considered it desirable that the Minister should appear before the Committee, the Minister might be permitted to do so, in which case his evidence should be recorded. The Committee were apprised of this by the Chairman on 28th July, 1966."

यहां पर मुझ को जरूर कुछ आश्चर्य हो रहा है। पब्लिक एकाउन्ट्स कमेटी जब राज्य सभा और लोक सभा दोनों के सम्मानित सदस्यों से बनती है तो जिस प्रकार से पब्लिक एकाउन्ट्स कमेटी के चेयरमैन ने स्पीकर साहब की आज्ञा चाही कि चूंकि

पहले कोई प्रिसिडेंट नहीं है, अब इसमें हम क्या करें और स्पीकर ने उनको आदेश दे दिया कि आप मिनिस्टर साहब के पास जाओ और मिनिस्टर साहब के पास जाकर के उनका बयान रिकार्ड करो। मैं हैरत में हूँ और मैं समझ नहीं पा रहा हूँ कि पार्लियामेंटी डेमोक्रेसी क्या हमारे मुल्क में चल पायेगी। इस पर आप भी जरा गौर करें। इसको हम केवल प्रसंगवश कह रहे हैं क्योंकि हो सकता है कि राज्य सभा के चेयरमैन अगर यह आदेश दे दें कि नहीं, पब्लिक एकाउन्ट्स कमेटी के चेयरमैन को मेम्बर के पास नहीं जाना है, मिनिस्टर के पास नह जाना है, तो यह क्लैश हो जायगा बेटवीन स्पीकर एंड दी चेयरमैन अध्यक्ष और सभापति के बीच संघर्ष हो जायेगा। तो भविष्य के लिये इस तरह की दुर्घटना रोकी जाय और इसको हरगिज अलाऊ न किया जाय कि इस तरीके से पब्लिक एकाउन्ट्स कमेटी की कोई बड़ी से बड़ी सुप्रीम अथारिटी डाइरेक्ट करे कि तुम जाओ और जाकर के किसी मिनिस्टर या कोई भी हो, उसका जाकर के बयान रिकार्ड करो।

श्री सभापति : राजनारायण जी, यह मामला प्रिविलेज के मुताल्लिक नहीं है।

श्री राजनारायण : है।

श्री सभापति : यह मि० सुब्रह्मण्यम के मुताल्लिक नहीं है।

श्री राजनारायण : यह रिपोर्ट से ही निकल रहा है * * *

श्री सभापति : यह आप भविष्य के लिये कह रहे हैं कि ऐसा न हो, लेकिन यह सुब्रह्मण्यम साहब के मुताल्लिक नहीं है।

SHRI SYED AHMAD (Madhya Pradesh) :
On a point of order, Sir. Is he criticising indirectly the Speaker of the other House for asking the Minister to go and see the P.A.C. ? He appears to be criticising the Speaker.

MR. CHAIRMAN : He is not. He is mentioning the facts and he says that it might bring conflict if the Speaker and the Chairman did not agree on this sort of thing.

SHRI SYED AHMAD: I respectfully submit that my impression is that he is criticising the Speaker.

MR. CHAIRMAN : No, no.

श्री ब्रजकिशोर प्रसाद सिंह : जनावे सदर, माननीय सदस्य थोड़ा गलतफहमी में हैं और गलतफहमी में यहाँ बोल रहे हैं।

श्री राजनारायण : नहीं, नहीं, मैं नहीं हूँ। आप प्वाइन्ट ऑफ आर्डर पर बोल रहे हैं या कैसे ?

श्री सभापति : मैंने उनको इजाजत दी है।

श्री ब्रजकिशोर प्रसाद सिंह : स्पीकर साहब ने यह बात नहीं कही कि लोक लेखा समिति मिनिस्टर साहब के पास जाय और उनका बयान ले। सिर्फ यह कहा कि अगर मंत्री चाहते हैं लोक लेखा समिति के सामने हाजिर होना तो मंत्री को हाजिर होने का मौका दें, उनको बात सुनाने का मौका दें। लेकिन वे बिल्कुल उलटी बात कह रहे हैं।

श्री सभापति : मेरे खयाल में आप प्रिविलेज के मुताल्लिक कहें तो ज्यादा अच्छा हो।

श्री राजनारायण : चेयरमैन साहब, मैं अपनी तरफ से नहीं कह रहा हूँ।

श्री सभापति : आप प्रिविलेज के मुताल्लिक कहिये।

श्री राजनारायण : अगर ऐसा होगा तो इससे अच्छा यह है कि हमसे कहिये कि हम कुछ न कहें।

श्री सभापति : नहीं, नहीं, आप कहिये।

श्री राजनारायण : किसी की गलत बात आप सुनेंगे और हमारी सही बात नहीं सुनेंगे।

श्री सभापति : आप सही बात कहिये। मैं चाहता यही हूँ कि आप सही बात कहें।

श्री राजनारायण : मैं अपनी तरफ से नहीं कह रहा हूँ। यह पी० ए० सी० की रिपोर्ट है, जिसके सिन्हा साहब सदस्य हैं या नहीं, मैं नहीं जानता।

एक माननीय सदस्य : हैं।

श्री राजनारायण : हैं, तो यह उनकी ही रिपोर्ट से पढ़ रहा हूँ।

"As there was no precedent for a Minister appearing before the Public Accounts Committee, the direction of the Speaker was sought. The Speaker directed that the Chairman, P.A.C. should have a talk with the Minister of Food, Agriculture, Community Development and Co-operation . . .

यह मैं आपकी ही रिपोर्ट से पढ़ रहा हूँ, अपनी तरफ से नहीं कह रहा हूँ।

श्री ब्रजकिशोर प्रसाद सिंह : इसके बाद पढ़िए।

श्री सभापति : आप मुद्रहणयम् साहब के बारे में कहिए।

श्री राजनारायण : पी० ए० सी० को जितनी दूर तक जा कर गुमराह करना चाहिए उतनी दूर तक जा कर गुमराह किया गया है। आज तक ब्रिटिश पार्लियामेण्टी प्रैक्टिस में या इससे पूर्व शायद वहाँ पर भी किसी मिनिस्टर ने ऐसी हिम्मत नहीं की होगी जो कि इतनी दूर तक जा कर के किसी सदन की कमेटी को गुमराह करने की घृष्टता करे। 16 नवम्बर 1962 से यह मसला चलता है। 16 नवम्बर 1962 को पहला आदेश हुआ है माननीय मंत्री जी का कि सभी व्यावसायिक सम्बन्ध अमीरचन्द की कम्पनी से बन्द कर दिया जाय, मगर जब बयान आया पी० ए० सी० के सामने तो माननीय मंत्री जी का बयान हुआ कि हमने दिसम्बर में यह आदेश किया। यह बिल्कुल गलत था, बिल्कुल असत्य था।

[श्री राजनारायण]
आदेश था नवम्बर में। 16 नवम्बर को दिसम्बर कहा गया किसी परपत्र से। अब वह परपत्र प्रिविलेज कमेटी का कर्तव्य होता है कि वह हूँ कि नवम्बर के आर्डर के बारे में किसी भी स्थल पर, किसी भी जगह लोक सभा में या पब्लिक एकाउन्ट्स कमेटी के सामने हमारे मिनिस्टर क्यों हैं दिसम्बर।

एक बात में पहले कह दूँ कि मैं भूपेश गुप्त से सहमत नहीं हूँ जो उन्होंने कह दिया कि लोक सभा में उन्होंने जो कुछ कहा वह हमारा कन्सर्न नहीं है। यहाँ उन्होंने नहीं कहा। हमारे लिए लोक सभा भी बाहरी है, हमारे लिए बदलिक मीटिंग भी बाहरी होगी। लेकिन राज्य सभा की जो कमेटी है उसके प्रति अगर लोक सभा में भी गलत बयानी हो तो उसके लिए भी हम प्रिविलेज उठा सकते हैं। यह मैं साफ किए देता हूँ ताकि कोई यह न समझ कि भूपेश गुप्त का कहना यही था। राज्य सभा में लोक सभा के बारे में कोई गलतबयानी हुई है तो उसके सम्बन्ध में हम प्रिविलेज उठा सकते हैं, उसी तरह से जिस तरह से लोक सभा में वे कहते हैं कि हमारे यहाँ इन्होंने गलतबयानी की। हम यह कहेंगे कि हमारे बारे में इन्होंने बाहर गलतबयानी की।

दूसरी बात . . .

श्री सभापति : दूसरी नहीं, तीसरी या चौथी।

श्री राजनारायण : तीसरी बात सही। 28 जून का आर्डर। 28 जून 1963 के आर्डर के बारे में बहुत ही मामूली शब्दों में माननीय मंत्री ने कहा यह ड्राफ्ट था।

श्री सभापति : क्या था ?

श्री राजनारायण : ड्राफ्ट आर्डर। अब जरा यह देखा जाय कि जो फाइनल आर्डर है उसको कहा जाय कि ड्राफ्ट आर्डर है। बाद में मंत्री ने खुद माना है कि यह हमारा फाइनल आर्डर था, मगर उन्होंने पब्लिक

एकाउन्ट्स कमेटी के सामने कहा कि 28 जून का आर्डर ड्राफ्ट फार्म में भेजा गया था। 28 जून के आर्डर के बारे में यह कहना कि ड्राफ्ट फार्म में भेजा गया, यह बात मिस्लीडिंग थी, (गुमराह करने वाली थी) बिलफुली सप्रेशन् आफ ट्रूथ था (सत्य को छिपाने की इच्छापूर्ण बात थी)। इससे बढ़कर कोई कन्टेम्प्ट नहीं हो सकता। इसके बाद 20 जुलाई 1963 को श्री जीतपाल माननीय मंत्री जी से मिलते हैं। जीतपाल, अमीरचन्द के एक प्रतिनिधि, माननीय मंत्री जी से मिले इसकी कहीं भी पी० ए० सी० कमेटी के सामने 26 जुलाई 1966 तक चर्चा नहीं हुई। यद्यपि सरकार का मंत्री गया, और लोगों की गवाहियाँ हुई, तमाम कागजात पेश हुए, मगर किसी स्थल पर, किसी जगह पर पब्लिक एकाउन्ट्स कमेटी के सामने यह नहीं आया कि जीतपाल नामक कोई कम्पनी का प्रतिनिधि मंत्री जी से मिला था। अब मैं किसी के इन्टेंशन में नहीं जाता। आप दार्शनिक हैं, बहुत से विद्यार्थियों को पढ़ाए हुए हैं। हमको कोई बता दे, किसी सम्मानित सदस्य के पास क्या इतनी ताकत और क्षमता है कि किसी आदमी के इन्टेंशन में जा सकता है। इन्टेंशन में मैं नहीं जाना चाहता और नहीं चाहता हूँ कि सदन का कोई सदस्य जाय। हम नहीं चाहते कि सुब्रह्मण्यम् साहब के इन्टेंशन में जायें, बल्कि वस्तुस्थिति और फैक्ट्स को लेकर जांच करें कि उनका इन्टेंशन क्या था। हमारे सामने जो फैक्ट्स आए हैं, जो गवाही हैं उनसे यह साबित होता है कि कोई मेलाफाइड इन्टेंशन का आदमी, कोई स्वार्थी आदमी, अपना कुछ बनाने वाला आदमी ही ऐसा कर सकता है तो हम उस नतीजे पर जाएंगे। हम नहीं कह सकते कि इन्टेंशन हमारा बढ़िया था, मगर बढ़िया इन्टेंशन से यह गलत काम हो गया। प्रिविलेज कमेटी का यही कर्तव्य होता है कि वह इसकी जांच करे कारण क्या है। जिस एक आदमी के मिलने से और जिस एक आदमी के बात-

चीत करने से मंत्री अपना पुराना आर्डर चेंज करने का दिमाग बनाता है उस आदमी के बारे में पी० ए० सी० कमेटी की इतनी बैठकें हुईं पर चर्चा नहीं हुई, यह देखा जाय। सेक्रेटरी ने पी० ए० सी० पूछती है—अच्छा भैया सेक्रेटरी साहब आप बताओ क्या बजुहात है कि तुम्हारे मंत्री ने अपने पुराने 28 जून के आर्डर को बदल दिया। तो सेक्रेटरी कहता है कि मैं नहीं जानता मंत्री ने आर्डर क्यों बदला। यह सेक्रेटरी कहता है। सेक्रेटरी ने परपजली डेफिनिट क्वेश्चन, स्पेसिफिक क्वेश्चन पूछा पी० ए० सी० ने कि तुम्हारे मंत्री ने अपना दिमाग क्यों बदला। उस स्टेज पर सेक्रेटरी कहते हैं कि मैं नहीं जानता कि क्या रीजन, क्या कारण रहे हैं, बजुहात रहे हैं मंत्री के दिमाग के बदलने में। मंत्री क्या कहते हैं? मंत्री कहते हैं कि सेक्रेटरी ने विचार-विमर्श हुआ था। देखा जाय दोनों को। पी० ए० सी० के सामने सेक्रेटरी कह चुका है कि मैं उन कारणों को जानता नहीं जिन कारणों के वशीभूत होकर माननीय मंत्री जी ने अपने आदेश को बदला, और मंत्री जी कहते हैं कि नोटिंग वहां उनके प्राइवेट सेक्रेटरी ने की है कि सचिव, सेक्रेटरी, से विचार-विमर्श हुआ था। तो यहां कहीं न कहीं असत्य है। या तो सेक्रेटरी झूठ बोल रहा हो या मंत्री झूठ बोल रहा हो। अगर सेक्रेटरी से मंत्री का विचार-विमर्श हुआ होता, बातचीत हुई होती और उस बातचीत के बाद फैसला लिया गया होता तो हमारा कहना है कि सचिव को, सेक्रेटरी को कोई बाधा नहीं थी कि वह खुल कर न कहता कि इन सम्बन्ध में हमने मंत्री जी से बातचीत की थी और मंत्री जी से बात चीत करने के बाद मंत्री जी का दिमाग बदला, मगर बहुत केटेगोरीकली बहुत साफ टर्म में, सेक्रेटरी ने कहा पी० ए० सी० के सामने—हां, मुझे कोई जानकारी नहीं है कि मंत्री ने अपना दिमाग क्यों बदला।

श्रीमन् मैं कहता हूं कि यही एक कारण— मंत्री और उनके सेक्रेटरी के बयानों में परस्पर विरोध—केवल इसी एक बात को लेकर चाहे दूसरी बातें न भी हों तो एक बात इतनी काफी है कि इस मैटर को पब्लिक एकाउन्ट कमेटी के सामने भेजा जाना चाहिए।

एक माननीय सदस्य : प्रिविलेज कमेटी में।

श्री राजनारायण : माफ करना ; प्रिविलेज कमेटी में भेजा जाना चाहिए इस सवाल को। अब प्रिविलेज कमेटी ही वह अधिकारी है जो इस बात की जांच करे कि मंत्री ने यह बयान क्यों दिया और सचिव ने ऐसा बयान क्यों दिया। मंत्री जी बयान चाहे लोक सभा में दें, चाहे पी० सी० सी० के सामने दें, यह रेमेडी नहीं है। थोरा इन्क्वायरी होनी चाहिए, जांच होनी चाहिए कि मंत्री ने आखिर ऐसा बयान क्यों दिया।

आगे देखा जाय। 22 जुलाई को फर्म के एक प्रतिनिधि ने चिट्ठी भेजी है। मंत्री जी ने कुछ नहीं लिखा। फर्म के प्रतिनिधि ने सोचा—कहते हैं कि ये फर्म वाले बड़े चालाक होते हैं। न जाने कितने मिनिस्टर्स को फंसाया, केशवदेव मालवीय को फंसाया। इसके पहले कौन और थे? छोड़िये नाम— हो सकता है कि कहीं गोलमाल न हो जाय क्योंकि उसको भी विश्वास नहीं मंत्री आज कुछ कहते हैं, कल कुछ दूसरा कह दें। उसने मंत्री जी से बातचीत हुई उसके बारे में एक लम्बा पत्र लिख दिया और खूब उनका शुक्रिया अदा किया कि अब मैं आपकी सलाह से जानकार हो गया हूं; आपकी सलाह के मुताबिक आपके सेटिस्फेक्शन के मुताबिक आगे काम होगा और आपने जो यह कहा है कि अब दूसरे विभागों से हमारा भामला चलेगा, केवल लिमिटेड रहेगा, सीमित रहेगा आपके लोहा विभाग और इस्पात विभाग से तो उसको भी आप काट दीजिए। उसमें यह लिखा है कि अच्छा हो कि इसे भी आप काट

[श्री राजनारायण]

दो, जिस तरह से यह आयरन कंट्रोलर पहले सम्बन्ध रखते थे उसी तरह से अभी रखें, इस तरह से उसको लिखो।

अब हमारा सवाल है कि इस पत्र की भी जानकारी तो सेक्रेटरी को रही होगी मगर सेक्रेटरी ने पी० ए० सी० कमेटी के सामने इस पत्र की भी कोई चर्चा नहीं की, जहाँ तक हम अभी तक रिकार्ड पढ़ने को मिला है।

अब 28 जून को सचिव ने सुझाव दिया कि दो साल के लिये यह सस्पेंड किया जाय। यही मंत्री श्री सुब्रह्मण्यम् जी जो हमेशा गरजते रहते हैं और भाषा के सवाल पर इस्तीफा देने पर तैयार हो जाते हैं मगर यह मामला इतना अहम है कि इसको दांत से पकड़े हुये हैं और रात-दिन सारे वक्त अन्दर-अन्दर बातें हो रही हैं, हम प्रधान मंत्री को फोन करने के लिये दिन भर बैठे रहे तो उनका फोन हमेशा इंगेज्ड है क्योंकि आजकल यही मसला चलता रहता है, कभी-कभी टैपिंग हो जाती है, आप जानते हैं कि कभी-कभी कुछ टैपिंग हो ही जाती है, तो कोई कहता है कि इस मामले को फौरन किसी जज के सामने दे दो ताकि राज्य सभा में, लोक सभा में, बहस न हो, राज्य सभा और लोक सभा में बहस होने के लिये जो यह आपकी रूनिंग इसे प्रिविलेज कमेटी में भेजने की होगी और उसका जो आप सोचते हैं उसके बारे में भी रूनिंग पार्टी यही सोचती है कि इसको किसी जज के मातहत कर दिया जाय ताकि यह मामला और उभड़ न पाये। इसलिए मैं चाहता हूँ कि यह बहुत ही अरजेंट है आप आज फंसला दें, फंसला दें, फौरन फंसला दें, इस मामले को प्रिविलेज कमेटी को भेजिये, इससे बढ़ कर कोई और मामला भविष्य में नहीं मिलेगा जो कि प्रिविलेज कमेटी के लिये फिट केस हो।

श्री सभापति : अब खत्म कीजिए, आपने सभी कुछ कह दिया।

श्री राजनारायण : जरा तारीख को ठोक से नोट किया जाय। हमें दुहराना नहीं है।

श्री सभापति : लेकिन समय भी कोई चीज है।

श्री राजनारायण : मैं पहले भी कह चुका हूँ कि मैं कोई चीज रिपोर्ट नहीं करूंगा।

श्री अकबर अली खान : अब खत्म कीजिये मेहरबानी होगी।

श्री राजनारायण : यह कोई प्रिविलेज के ऊपर डिबेट नहीं है, कोई रेजोल्यूशन या प्रस्ताव नहीं है।

श्री सभापति : राजनारायण जी, यह प्रिविलेज का मोशन नहीं है मुझे समझाने के लिये है इसलिए मुझे ज़रूरत से ज्यादा न समझाइयें।

श्री राजनारायण : आपको ही समझा रहा हूँ। अब 28 जून को मंत्री जी ने, श्रीमान् इसको आप सुनें . . .

श्री सभापति : सुन तो रहा हूँ।

श्री राजनारायण : 28 जून को जब सचिव ने सुझाव दिया कि केवल दो साल के लिये सस्पेंड किया जाय तो 29 जून को मंत्री जी ने सचिव के सुझाव को अमान्य कर दिया। अभी तक मंत्री जी का दिमाग ठीक है और कहा कि यह आदेश "जेनरल" है, सभी विभागों के ऊपर लागू होना चाहिए। यह 29 जून को मंत्री जी ने कहा है। तो 29 जून और 20 जुलाई के बीच में क्या हुआ। मामला आता है 20 जुलाई पर। अब एक और दलील जी ने बाद में दी है जो मुझे बतावटी लगती है कि जो ट्रांसपोर्ट विभाग है, शिपिंग विभाग के जो मंत्री है उनके द्वारा भी हमसे यह कहा गया कि हमारा विभाग उससे बरी कर दिया जाय। अब उसके बारे में मैं जानता हूँ। दूसरे प्वाइंट पर मैं आता हूँ। तो 29 जून को मंत्री जी का यह दिमाग है

कि यह जेनरल आर्डर है, सभी विभागों पर लागू होना चाहिये मगर 6 जुलाई को कुछ और होता है, 29 जून और 6 जुलाई में एक हफ्ते का फर्क है, 6 जुलाई को कंट्रोलर ने दो रोलिंग मिलों को छूट देने का सुझाव भेजा, यह फिर मिनिस्ट्री के पास भेजा कि दो रोलिंग मिलों को इस आर्डर से निकाल दिया जाय। फिर 17 जुलाई को पुनः उसी कंट्रोलर ने लिखा, जिसके बारे में मंत्री कहते हैं कि दो कंट्रोलर हो गये, पहले तो एक डिप्टी कंट्रोलर था और बड़का कंट्रोलर कहीं विदेश गया था, तो विदेश से जब बड़का कंट्रोलर आ गया तो दूसरा खत उसने लिखा और इसलिये दो व्यक्तियों ने दो आदमियों ने लिखा है लेकिन हमें ऐसा नहीं लगता कि दोनों ने मिल कर कोई साजिश नहीं की होगी और मंत्री जी यह सफाई दे रहे हैं। तो 17 जुलाई को पुनः कंट्रोलर ने लिखा कि क्या यह आर्डर शिपिंग लाइन को भी लगता है। मेरा कहना है कि कंट्रोलर ने क्यों लिखा, मंत्री जी के पास, मिनिस्ट्री के पास कंट्रोलर ने यह क्यों लिखा जब कि 29 जून को माननीय मंत्री जी ने यह कह दिया था कि यह जेनरल आर्डर है। सभी पर लागू है। इन्होंने क्यों लिखा इसके बारे में पी० ए० सी० के सामने कोई सफाई नहीं आई है, कोई चर्चा नहीं हुई है। मंत्री जी ने ऐसा क्यों किया। केवल इस बयान में उन्होंने कुछ सफाई दी है जो कि एक लचर दलील है।

अब पी० ए० सी० ने बहुत पूछा है कि मंत्री जी बतायें कि रेस्ट्रिक्टेड लिस्ट का क्या मतलब है। जेनरल आर्डर का आप क्या मतलब समझते हैं। तो उसमें भी बहुत जगलरी, लीगल क्विबलिंग, बड़ी वार हुआ है। यह हमारी कहना है। जेनरल आर्डर का मतलब जेनरल है, जेनरल सब पर सभी विभागों पर लगता है और हर तरह से लगता है। जेनरल आर्डर का मतलब और कुछ नहीं हो सकता। इसके लिये आप चाहे

जितनी ओपीनियम ले लीजिए, बड़े से बड़ा विचार कर लीजिए, जेनरल आर्डर का मतलब यही है। तो फिर 23 जुलाई को यकायक नया आदेश क्यों? और 12 जुलाई को मंत्री जी ने केवल दो रोलिंग मिलों को निकालने की बात की। अब 12 जुलाई और 20 जुलाई के बीच में यह आठ दिन का समय रह गया। यह मैं पूछना चाहता हूँ आपके द्वारा मंत्री जी से कि शिपिंग विभाग का कोई खत हमें नहीं दिखाया गया। तो सात और दिन हैं अभी 12 जुलाई और 20 जुलाई के अन्दर और शिपिंग विभाग कुछ लिखता है कि शिपिंग विभाग को इसमें से काट दिया जाय, उसके लिये मंत्री जी कहते हैं कि इसको केवल अपने विभाग तक सीमित रखिये, सरकार के दूसरे विभागों को निकाल दीजिए। हमारी समझ में नहीं आया कि ऐसा क्यों, न तो लोक सभा के सामने, न पब्लिक एकाउंट्स कमेटी के पास और न यहां आज कोई ऐसा तथ्य है, फ़ैक्ट है, जिससे यह साबित किया जा सके कि शिपिंग मिनिस्टर ने मंत्री जी से रिक्वेस्ट किया कि उनका विभाग निकाल दिया जाय, अभी तक कोई रिटें, कोई लिखित, चीज नहीं आई है।

श्रीमान्, अब आप देखें कि सेक्रेटरी ने 12 जुलाई के आदेश के बारे में खुद लिखा है कि यह आदेश साफ नहीं है, स्पष्ट नहीं है। श्रीमान् हमारी एक निवेदन आपसे है कि आपके पास इतना समय नहीं है लेकिन यह जिस्ट आफ दि पैरा इंकलूडेड इन आडिट रिपोर्ट है इसको निहायत अदब के साथ मैं पढ़ देना चाहता हूँ जिससे कि यह मालूम हो कि हमारा फिट केस बनता है या नहीं।

श्री सभापति : पढ़िये, नहीं, आप उसका नम्बर बता दीजिये।

श्री राजनारायण : 320 पेज पर है, यह जो पचासवीं रपट है उसमें वह इंकलूडेड है। तो हमारा निवेदन यह है कि यह कोई कह दे कि मुन्नहाय्यम् साहब कुछ अचेत

[श्री राजनारायण]

हैं या मुब्रह्मण्यम् साहब इंटेलिजेंट नहीं हैं तो मैं इसको मानने के लिये तैयार नहीं हूँ, मैं समझता हूँ कि मुब्रह्मण्यम् साहब काफी इंटेलिजेंट हैं मगर गांधी जी का एक वाक्य मैं आपके द्वारा इस सदन के सम्मानित सदस्यों के सामने रखना चाहता हूँ।

SHRI M. M. DHARIA : Sir, we just cannot understand. You have permitted the Minister to make a statement. They are arguing.

श्री राजनारायण : गांधी जी ने कहा है कि धन, पद और सत्ता का लोभ मनुष्य से क्या-क्या अनर्थ नहीं कराता।

श्री सभापति : आम बातों को कहने की जरूरत नहीं है।

श्री राजनारायण : मैं तो आम नहीं कह रहा हूँ खास ही कह रहा हूँ। ऐसा लगता है कि वह बेचारे बिल्कुल नथे आये हैं। आप जरा सुनिये। इसमें यह लिखा है :

"The firms M/s Amin Chand Pyarelal were black listed by the Ministry of W. H. & S. during August-September, 1954 with all its branches and associated firms and all the Ministries were informed,"

श्रीमान्, यहां आडिट रपट में लिखा है कि 1954 के अगस्त-सितम्बर में मिनिस्ट्री ने इस फर्म की तमाम ब्रांचेज को ब्लैक लिस्ट किया और सभी मिनिस्ट्रीज को इफामें किया। तो मैं आपसे कहना चाहता हूँ कि माननीय मंत्री जी ने इस तथ्य को भी पब्लिक एकाऊंट्स कमेटी के सामने अभी तक नहीं रखा, हालांकि पी० ए० सी० ने कहीं से जानकारी कर ली। तो जो फर्म आल्रेडी ब्लैक-लिस्टेड थी, जो पहले से ही ब्लैकलिस्टेड थी, एक मंत्री महोदय ने जिसे ब्लैकलिस्टेड किया था उसके लिये इन मंत्री जी ने केवल इतना ही नहीं किया कि उसको वहां से हटाया बल्कि इन्होंने उसको बिल्कुल चालू कर दिया। आप समझ सकते हैं कि क्या मामला

था जो चालू किया, क्यों चालू किया, उनके इंटेशन पर जायेंगे। इनका इंटेशन क्या है, जैसे कि यह बिल्कुल दूध के धोये हैं जब कि सारे देश में भ्रष्टाचार की धारा बह रही है और हमें कुछ लोग सबक दे दें कि उनका इंटेशन बड़ा अच्छा था।

आगे देखा जाय। इसमें यह है :

"A new company, M/s Surrendra Overseas (P) Limited, Calcutta, was flouted at the end of 1954 on which the Iron & Steel Controller placed 52 contracts for the import of steel valued a* Rs. 23 crores."

श्री सभापति : किस मन् की बात है।

श्री राजनारायण : 1956 में। यानी यह मामला आज से नहीं चल रहा है यह मामला इससे बहुत पहले से चल रहा है।

श्री सभापति : 1956 में यह थे।

श्री राजनारायण : 1956 में मेरी जानकारी नहीं है कि कौन है।

श्री सभापति : आप तो श्री मुब्रह्मण्यम् साहब के बारे में अर्ज कर रहे हैं।

श्री राजनारायण : मेरा तर्क यह है कि माननीय मंत्री जी को इस बात की भी सफाई करनी चाहिए कि इनके डिपार्टमेंट ने इसके पहले इनको ब्लैकलिस्टेड करने की बात क्यों की। क्योंकि पहले भी मिनिस्ट्रीज ने ब्लैकलिस्ट किया था। पहले तो वह ब्लैकलिस्ट को काटा गया और मुझे जो जानकारी कराई है माननीय अब्दुल गनी ने वह यह है कि सेक्रेटरी ने उनको ब्लैकलिस्ट करने का आदेश दिया था मगर उस समय जो उसके मंत्री थे—क्या नाम है सरदार साहब का—सरदार स्वर्ण सिंह, उन्होंने उसको काट दिया। तो उन्होंने उसको काट दिया। मैंने इसको वेरिफाई (जांच) नहीं किया मगर मैं मानता हूँ गनी साहब ऐसे जिम्मेदार आदमी कोई बात कहते हैं तो वह ठीक होगी।

तो इतना श्रीमन् मैं आपकी खिदमत में तीन, चार मिनट में कह देना चाहता हूँ। मैं पब्लिक अकाउंट्स कमेटी को मुबारकवाद दूंगा कि उन्होंने बड़ी मेहनत की है कि उन्होंने इनकी कंपनी को स्प्लिट किया है और जिन जिन नामों से इनकी कंपनी चलती है, अमी चन्द प्यारेलाल के सभी नामों को अलग-अलग करके दे दिया है कि कितनी असोसियेटेड फर्म हैं।

SHRI CHANDRA SHEKHAR : There are many more.

श्री राजनारायण : हो सकता है चन्द्रशेखर जी इन बातों में हमसे ज्यादा जान कार हों।

एक माननीय सदस्य : किसी में तो आपने उनको मानो।

श्री राजनारायण : चोरी बढ़ाने में, भ्रष्टाचार बढ़ाने में, टैक्स बढ़ाने में कांग्रेस सरकार आगे है। तो जितनी कंपनियां इससे संबंधित हैं उन कंपनियों के बारे में आपसे कहता हूँ :

"Associated Wires Conductors Co. Private Ltd., Jullunder City—not available.

Apeejay Steel Castings (P) Ltd. Jullunder City—not available.

Steelcrete Private Limited—Not available.

Apeejay Private Ltd., Calcutta—Not available."

श्री सभापति : नाम लेने की क्या जरूरत है, पेज बता दीजिए।

श्री राजनारायण : पेज है 31111, 2, 3, 4, 5, 6, 7, 8, और 9 कंपनियां हैं जो इनसे एसोसियेटेड हैं, उनके बारे में पी० ए० सी० कमेटी ने कहा है "नाट अवेलेबल" उनका एड्रेस नहीं है, या फिक्टिशस है, जाली है। उनके नाम पर जो मंत्री लोग

अपने विभाग का कान्ट्रैक्ट दे बाहर सौदा भेजने का और बाहर से सौदा मंगाने का तो समझ लीजिए कितना 'हैवाक क्रिएट' होगा और ऐसी कंपनियों के बारे में माननीय मंत्री जी के दिल में दया आ गई। माननीय मंत्री जी ने कहा है कि 20 तारीख को जो अमीचन्द प्यारेलाल फर्म का रिप्रेजेंटेटिव आया उसने उनको यह धरोसा दे दिया कि हम अब बढ़िया काम करेंगे। क्या बिलकुल असत्य नहीं है, सत्य नहीं है? और इस तरह से लक्कर दलील करके पी० ए० सी० कमेटी में कहा गया। तो इसलिए हमने मोशन दिया है। श्रीमन्, मैं इस नतीजे पर पहुंचा हूँ और आपसे करबद्ध प्रार्थी हूँ कि आप महज लीगल क्विबलिंग्ज, शब्दजाल या किसी के इन्टेंशन के ऊपर पहुंचने की चेष्टा न करें, हमारे यहां प्रिविलेज कमेटी बनी हुई है, सदन की कमेटी है, उसमें जिम्मेदार लोग हैं, शायद हमारे सिन्हा जी भी हों क्योंकि कल मैं आपके पास गया था तो उन्होंने कहा था मैं इस कमेटी पर हूँ इसलिए इस पर वे कम बोलते हैं। इसको अब प्रिविलेज कमेटी में जाने दें। प्रिविलेज कमेटी में जब चला जायेगा मामला तो न धरती धंस जायगी, न गगन फट जायगा। प्रिविलेज कमेटी सारी बातों पर गौर करेगी। प्रिविलेज कमेटी की रिपोर्ट सदन में आती है और सदन में आने पर सदन उस पर फैसला करेगा। इसलिये जो बातें अभी छपी हुई हैं उनको खोलने के लिये इस मामले को आप प्रिविलेज कमेटी में भेजें और चूंकि हमने पहले से आपसे पेशबंदी कर दिया कि अगर इसमें देरी करते हैं तो ये कोई बहाना लेना चाहते हैं, इसको किसी जज के सामने भेजना चाहते हैं और फिर आपके सामने एक दिक्कत आ सकती है कि अब तो यह मामला जुडिशल इन्क्वायरी में चला गया तो प्रिविलेज कमेटी में भेजने की क्या जरूरत है। यह लड़ाई मैं उत्तर प्रदेश में बहुत लड़ चुका हूँ। उत्तर प्रदेश में जुडीशरी और लेजिसलेचर की लड़ाई बहुत होती है।

श्री सभापति : कहने की यहाँ जरूरत नहीं है ।

श्री राजनारायण : इस बात को मैं प्रसंगवश कह रहा हूँ । इसमें डिले नहीं होना चाहिये । अब इतना ही हमको कहना चाहिए । अगर तनिक भी आप दिमाग लगाएंगे तो हम कहेंगे आपका फैसला हमारे पक्ष में होगा ।

MR. CHAIRMAN : Mr. Chagla, would you like to say something ?

THE LEADER OF THE HOUSE (SHRI M. C. CHAGLA) : May I speak for five minutes ? I will be very brief. May I preface my remarks by saying that in matters of privilege, we are not here as Ministers or members of a party? It is the privilege of the House and every section of the House is interested in upholding the dignity of this House.

Sir, this motion of my friend, Shri Bhupesh Gupta, raises a very important question of principle. There is no more serious charge that you can level against a Member of this House than the charge of breach of privilege. Now, even when a man is charged with assault, you have to give the particulars of that charge so that the person who is charged can meet the charge. Now, Sir, will you look at the resolution given by my friend, Shri Bhupesh Gupta? He says, "The hon. Minister is clearly and palpably guilty of violating the privilege in the meeting of the Public Accounts Committee by suppressing facts." What facts ? Not a single particular is given. How is anybody to meet this charge ?

SHRI BHUPESH GUPTA : On a point of order . . . (*Interruptions*) You have raised many points of order.

- SHRI AKBAR ALI KHAN: He is not yielding.

SHRI M. C. CHAGLA : I never interrupted him.

MR. CHAIRMAN: What is the point of order ?

SHRI BHUPESH GUPTA: You will kindly hear. I am raising a point of order. I will tell you how he is charged and **how** that arose.

SHRI AKBAR ALI KHAN: That is not a point of order.

(*Interruptions*)

SHRI BHUPESH GUPTA: I submit, when I was speaking, many points of order were allowed to be raised.

MR. CHAIRMAN : Mr. Gupta, in view of the time that we have already taken . . .

SHRI BHUPESH GUPTA : The question is, when it comes to the Government, I must point to you where it is wrong. You are perfectly . . .

MR. CHAIRMAN : You have finished, you have pointed that out. It is not a point of order.

SHRI BHUPESH GUPTA: This is not a privilege motion, this is only a letter to you saying why I have to raise it and the charges have been given there—**and** their substantiation—in the Public Accounts Committee's Report which I read out to you. Why is he reading that letter to you, privately given ? He can read out. I have no objection . . .

MR. CHAIRMAN : Mr. Gupta, let the Minister have his say. Then! we can judge.

SHRI BHUPESH GUPTA: I am not objecting to what he is saying. Only I want to correct a mistake. He would not yield to a point of order. I have to raise a point of order. This was only a letter under the rules. The substantiation comes . . .

MR. CHAIRMAN : It is not a point of order, it is an explanation.

SHRI BHUPESH GUPTA: This is what I* am saying; will you kindly listen ? Under the rules, I wrote a letter. I wished to raise that just in order that the Minister may be helped along the lines on which* I develop my arguments. I gave this point. This is not a motion, this is a letter to you only asking your" permission to raise a privilege iSue. The motion will come

after you have given the consent in which I many things may be stated. Even that part is not understood.

SHRI M. C. CHAGLA : A wrong procedure. You cannot give your consent; j you cannot hold this preliminary enquiry unless you know that there is a *prima facie* case.

SHRI M. M. DHARIA : On a point of order. Rule No. 188 makes it absolutely clear that :—

"If the question proposed to be raised is based on a document, the notice shall be accompanied by the document."

It says :

"A member wishing to raise a question 'of privilege shall give notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised."

SHRI BHUPESH GUPTA: Why are you allowing that, Sir?

SHRI M. M. DHARIA : Therefore, the contention made by Shri Chagla is absolutely correct. It was possible for the hon. Member to "give his statement to place along with the notice all the documents that are there. Why has he not given them?

SHRI BHUPESH GUPTA : We have got the documents of the Public Accounts Committee.

SHRI M. C. CHAGLA : I cannot go on for five minutes.

MR. CHAIRMAN: Let Mr. Chagla have his say. I am sorry . . .

SHRI M. C. CHAGLA : I have sat for 1½ hours without interrupting him . . .

{Interruptions}

SHRI BHUPESH GUPTA: Your Members interrupted.

SHRI M. C. CHAGLA : Secondly, he is suggesting falsehoods. What falsehoods, what suggestions ? Not a word about them. Thirdly, 'misdirecting the Committee'—a very serious charge, but not an iota of particular or detail is given so that you should be satisfied that there is a *prima*

facie case. Fourthly, 'obstructing the work and the investigation of the Committee' —how, under what circumstances? Five, 'unfortunate remarks about Committee's work'. Now, you have to see whether there is a *prima facie* case. And you were good enough to tell the House, 'I want to be guided by you'. But this is the basic document.

SHRI BHUPESH GUPTA : This is not the only document.

SHRI M. C. CHAGLA : Mr. Bhupesh J Gupta will not interrupt me. I have waited for 1½ hours . . .

{Interruptions}

SHRI BHUPESH GUPTA : When, Mr. I Chairman, . . .

MR. CHAIRMAN : Please sit down. Will you please sit down ? I would request you to sit down, Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA : I will sit¹ down. But the trouble is that it does seem] to me that because we are on the Oppo-I sition we get this kind of treatment here. ' I do not like it. Let this Government not ; go on like this. When I was speaking I , was interrupted.

MR. CHAIRMAN : You were speaking for one hour. Now it is very ungenerous of you to say that. I am giving very best to protect the Opposition, to let it say . . .

SHRI BHUPESH GUPTA : And certainly you are getting my best. But when I speak hundreds of people get up and interrupt and everything goes on.

SHRI M. C. CHAGLA : I listened for an hour to Mr. Gupta.

SHRI BHUPESH GUPTA: You ask Mr. Subramaniam to resign first. And then tell me anything.

SHRI M. C. CHAGLA : I listened to Mr. Gupta for one hour. I could have got up on my feet and raised points of order every five minutes. I did not do so because you showed him the courtesy of listening to him and I sat here listening to him patiently. Will he patiently listen to me for five minutes ?

[Shri M. C. Chagla.]

Next is, again, the unfortunate remarks about the Committee's work. Now, Sir, as I was saying this is a very important matter of principle. When a notice is given to you or a letter is given to you that a Member of this House has committed a breach of privilege, that notice must contain some particulars so that you can judge whether a *prima facie* case is made out. How can you, from this document on which you are asked to hold that a *prima facie* case is made out, say that there is a *prima facie* case?

Now, Sir, may I make another submission? The whole of Mr. Gupta's speech and Mr. Rajnarain's speech is not about privilege. It is about the conduct of Mr. Subramaniam. But we are not investigating into the conduct of Mr. Subramaniam. (*Interruption by Shri Bhupesh Gupta*) Again, Mr. Gupta, you are interrupting me.

SHRI BHUPESH GUPTA : Why are you thumping?

MR. CHAIRMAN : He heard you patiently. Now you listen to him also.

SHRI M. C. CHAGLA : I know, Sir, why he is jumping up. Because he has no answer to my point, that is why he has no patience.

SHRI BHUPESH GUPTA : Then, will you yield?

SHRI M. C. CHAGLA : We are not investigating into the conduct of Mr. Subramaniam. This is not what we are doing. Mr. Rajnarain said—I have taken it down—'Send this immediately to the Privileges Committee so that this matter should be investigated'. But that is not the function of the Privileges Committee, nor are we investigating whether Mr. Subramaniam was guilty of misconduct or not. That is not the question. The question is a narrow limited one : Has he committed the breach of privilege of this House? Has he committed the contempt of this House? It is from this point of view that we have to approach it.

SHRI A. P. CHATTERJEE : I rise on a point of order.

MR. CHAIRMAN : You have taken 15 hours, both of you. He wants to take 5—10 minutes and you do not allow that I even. I think it is extremely unfair. Mr. Chatterjee has something very important to say.

SHRI BHUPESH GUPTA : It is his conduct in relation to the P.A.C. He has committed a breach of privilege of the P.A.C, hence of the House.

SHRI A. P. CHATTERJEE : The Leader of the House has just now said that his conduct does not amount to a breach of privilege. If by my conduct I obstruct the proceedings of the House or the proceedings of the Committee, that conduct certainly can be called a breach of privilege. Sir, he is a well-known jurist. He should not say that.

SHRI M. C. CHAGLA : It is entirely wrong. Privilege is the conduct or the misconduct of a Member qua the House, qua this Committee, and not something qua outside the House, (*interruption by Shri Bhupesh Gupta*) Again Mr. Bhupesh Gupta is interrupting. Now will you keep quiet?

SHRI BHUPESH GUPTA : Your this kind of thumping will not do.

SHRI M. C. CHAGLA : Sir, why this interruption?

MR. CHAIRMAN : Mr. Gupta, he is requesting you.

SHRI M. C. CHAGLA : The distinction is perfectly clear. As a Minister I may be guilty of misconduct. There are various ways of proceeding against me. The House has got the right. But that is not the question today. The question is whether the Minister has committed a breach of privilege of the House. I say the question is lying within a very narrow ambit, and Mr. Gupta has mentioned it. If my hon. friend Mr. Subramaniam has suppressed facts from Parliament, it will be a breach of the privilege. If he had suggested falsehoods, it would have been a breach of privilege. If he had misdirected the Committee, it would have been a breach of privilege. If he had obstructed

the work of investigation of the Committee, it would have been a breach of the privilege. Now my first point is, has even one particular been given ?

I go further, I have listened to the long rôle by my friends, Mr. Bhupesh Gupta and Mr. Rajnarain. I have listened to them very carefully and very patiently. There is not one statement of fact which bears out anything under of these four heads—suggesting suppression of facts, suggesting falsehoods, misdirecting the Committee, obstructing the work and investigation of the Committee. There is only one suggestion with regard to the fifth head, the unfortunate remark about the Committee's work. My friend, Mr. Subramaniam said, "I am surprised". Now, Sir, I have got the Chambers's Dictionary. It is rather "curious". This is the definition of "surprise"

श्री राजनारायण : जाने दीजिये यूँ ही कहिये । इस तरह से मिनिस्टर साहब डिक-सनरी देखकर सदन के समय का अपव्यय कर रहे हैं ।

SHRI A. P. CHATTERJEE : Why is the Food Minister instructing him ?

SHRI M. C. CHAGLA : The first definition given is "taken unawares". And this is exactly what Mr. Subramaniam said. He meant by "surprise" that he was taken unawares. There are other meanings of this word. As you know, it depends upon the context in which the word is used, and then you have to find the meaning. That is the only meaning of "surprise" he suggested. Here is the Chambers's Dictionary which is a fairly authentic dictionary and the phrase's meaning is "taken unawares".

Now I ask you, Sir, with the greatest respect, with the greatest submission, after you have heard everything, if there is absolutely any case made out for entertaining this motion of privilege, and I would ask you to reject it straightway, because, as I said, the first thing is, no particulars are given. Secondly, even if you were to rely on the two speeches made, they are an attack on Mr. Subramaniam, attack on his conduct, but not bearing on the question of privilege. We are not concerned here

with Mr. Subramaniam's conduct. We are not investigating into his conduct. I, therefore, submit that this motion should be rejected.

SHRI BHUPESH GUPTA: His conduct with regard to the Public Accounts Committee.

THE MINISTER OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION (SHRI C. SUBRAMANIAM) : Sir, I would not take long. But after having heard particularly Mr. Rajnarain, and also his party Members in the other House, it looks as if their main grievance against me is that I resigned on a particular issue, on the language issue. That seems to be the obsession particularly with these Members. Therefore, all sorts of things are being brought out, whether they are falsehoods or not. And, therefore, I am not concerned with them.

Sir, I know when I have got to resign. It is not that I am afraid of resigning at any time. I have got a much better conscience than anybody else with regard to proprieties to be observed, and when I have got to resign. I can tell you whatever it might be, my conscience is clear. I have not done anything wrong. Therefore, why should I take the advice of the Opposition Members that I should resign ?

SHRI RAJNARAIN: *** ♦♦* I disbelieve him.

SHRI C. SUBRAMANIAM : I have to seek the protection of the Chair. Those words * * * should be expunged.

SHRI RAJNARAIN : I want to hear your ruling.

MR. CHAIRMAN : My ruling is that the words should be expunged.

श्री राजनारायण : * * * I know about parliamentary practice more than yourself, . . .

SHRI BHUPESH GUPTA : I have not used this word. Therefore, I can accept your ruling. The word you may or may not like. The Minister is here. He can

*** Expunged as ordered by the Chair.

[Shri Bhupesh Gupta.) defend himself in this matter. The only thing you have to see is whether according to the Rules of Procedure this particular word can or cannot be uttered. The Rules of Procedure enumerate the kind of words that we cannot use but in regard to Ministers it is a different thing. Even we have wider scope there. The Ministers can repudiate and attack us or we can attack them for that but you do not come into it. The word 'corrupt' is absolutely parliamentary. That is what I say. The word 'corrupt' is parliamentary. If you hold the word 'corrupt' as unparliamentary then there will not be any discussion on the Vigilance Committee Report, because we cannot utter the word 'corruption'. Therefore I say that you can ask us not to use such words but for goodness' sake let not the convenience of the Minister have the better judgment of people like me; I cannot say about you. The word 'corrupt' is absolutely parliamentary. I tell you, when the question of Biju Patnaik and the Mundhra question came again and again we used the word 'corruption' naming individuals and you will find that in the proceedings it has never been deleted because that particular word has never been held as unparliamentary. You may advise us and I will listen to it but do not rule out the word which is used and is necessary to be used if we have to fight corruption in this country. As far as this is concerned, I have not used it. You may deal with Mr. Rajnarain. Do not throw the baby in the bath-water, the baby of parliamentary convention in the bath-water of the word Used.

SHRI LOKANATH MISRA (Orissa) : Mr. Rajnarain did not specify that Mr. Subramaniam is corrupt and he should go immediately. It was a general remark.

MR. CHAIRMAN: I have not declared the word 'corrupt' as unparliamentary. There are particular contexts in which it can be used but in this particular context I think this should not be used and I have therefore expunged it.

SHRI BHUPESH GUPTA : You have to be guided by certain rules and you can make the rules elastic. I will show the rule.

MR. CHAIRMAN : I have done it in my discretion in order to keep a certain standard of communication in this House. I do not think it should be discussed.

SHRI BHUPESH GUPTA: I am not quarrelling. You have disapproved of that word. That is enough. You leave it at that because when no-confidence motion comes against certain Ministers, don't we say 'Corrupt Government' ? Do not expunge.

MR. CHAIRMAN : I have said that I have not declared the word 'corrupt' as unparliamentary never to be used in the Parliament. It can be used but in this particular context I have held that it should be expunged.

SHRI BHUPESH GUPTA : You can ask us not to use it but do not expunge.

MR. CHAIRMAN : You have to listen to me, I am afraid.

SHRI BHUPESH GUPTA: Does it mean that in the future we cannot use it even if we think that the Ministers are corrupt ? Is that the position ?

MR. CHAIRMAN : I have made it clear. I have not declared the word 'corrupt' as unparliamentary. Only in this particular case I say so. That is my final ruling.

SHRI BHUPESH GUPTA: I accept your ruling but the word 'corrupt' remains.

श्री राजनारायण : * * *

श्री सभापति : बड़ी खुशी है

I do not think the ruling of the Chairman is subject to your approval.

श्री राजनारायण : * * *

MR. CHAIRMAN : I do not allow you to discuss my ruling.

श्री राजनारायण : * * *

MR. CHAIRMAN : All that you said about the ruling is also expunged.

श्री राजनारायण : * * *

(At this stage Mr. Rajnarain left the House)

***Expunged as ordered by the Chair.

MR. CHAIRMAN : All this shall not go into the proceedings.

SHRI A. P. CHATTERJEE: I rise on a point of order. The word 'corrupt*' is not unparliamentary.

MR. CHAIRMAN : I do not want any further discussion after I had given the ruling.

SHRI BHUPESH GUPTA : I beg to submit that if we are not allowed to call Minister* 'corrupt' when we feel like that, the Ministers having the right to defend, the only thing to do by which we can register our feeling is by walking out.

(At this stage Mr. Bhupesh Gupta and some other hon. Members left the House)

SHRI I. K. GUJRAL: We have been driven to impatience by all that we have seen to-day. Please permit me to say— and it is also an expression of impatience on my part—that the gentleman hon. Member of this House whose remarks were expunged, while walking out of the House went on repeating 'corrupt', 'corrupt' and 'corrupt'. The word may have not expunged but to my mind he has reflected on your judgment. He has insulted this House. He has almost, if I may use that word, spited us and gone out. I feel that the stage has come when you should take a more strict view of things by which such indignities we are saved of. I would submit that you kindly take some action against the hon. Member. His walking out is not sufficient.

MR. CHAIRMAN : Thank you for the suggestion.

SHRI C. SUBRAMANIAM : Then the point was raised with regard to my appearance before the Committee. That itself show my *bona fides* that I wanted to place all the facts before the Committee but apart from that, it is with the permission of the Committee. I do not know what happened between the Speaker and the Chairman but I wrote to the P.A.C. It was open to them to say: 'No, we will not hear you.' But they permitted me to

speaking. How can that be used for the purpose of saying that they have been pressurised ? It is almost an insinuation against the P.A.C. if I may say so. Therefore, it is not I who attempted to commit a breach of privilege. On the other hand here is a definite attempt to commit a breach of privilege by insinuating against the P.A.C. that because I was a Minister, they were influenced and that is why they called me to give evidence there. Therefore I submit that it is, as a matter of fact, a reflection against the P.A.C. and they are committing that breach of privilege which they want to accuse me of. Therefore, that will have to be taken into consideration. As far as my appearance is concerned, I sought leave to appear before them. They gave leave and I appeared before them. Then he has given a list of things which happened before the P.A.C. Has any P.A.C. Member or the Chairman complained against this ? On the other hand I find that this is what the Chairman mentioned after I gave the evidence :

"I am glad to thank you very much for the time you have spent and for the various explanations you have given. The Committee is helped a lot and we are very thankful to you. You have taken all this trouble and we are very much thankful to you."

It is not as if just a casual remark was made. It is incorporated in the report also :

"They would like also to express their thanks to the Minister of Food and Agriculture, Community Development and Co-operation and to the Secretary also for their co-operation in giving detailed information asked for during the course of the evidence."

Therefore, I do not know that I tried to obstruct them or misdirect them. Wherefrom do they get it ? On the other hand the Report is completely different.

Then I would like the hon. Member to go through the Report. Have they stated anywhere that I have tried to mislead them or tried to give false things ? It is open to me with regard to interpretations—it is accepted everywhere—that I give one interpretation of a section or an order and

[Shri C. Subramaniam.]

simply because that contention is not accepted—even now I may continue thinking that my contention is the cor-2 P.M. rect one—that is neither here nor there—making an interpretation of an order is certainly not misdirecting or misleading by any means. Therefore, if we go through the Report,— and the hon. Member said this is the basis—in the Report I do not find anywhere any suggestion that I attempted to do any of these things, and therefore I do not know what is the basis of their motion. And after the long speech, as it was mentioned by the Leader of the House they have not cared to say that these are the things which amount to suppression, these are the facts which amount to misdirection, and these are the facts which amount to false suggestions. So on that also there is nothing.

Then about these words "I am rather surprised", the meaning has been given; I have given the explanation. Not only have I given the explanation; I have also stated categorically before the Committee also— and I wish to state it here—that even if by any stretch of imagination it should constitute a reflection on the Committee, I said I withdraw it, and I have said quite categorically that it was not my intention at all to cast any reflection on the P.A.C. On the other hand I told them that the very fact that I was prepared to appear before them showed what regard I had for the Public Accounts Committee. Otherwise, I would have just sat tight over what the P.A.C. had said. Therefore, this is all with regard to the privilege. All the other things which they stated, about the order and all those other things, they are completely irrelevant. Naturally they wanted to take advantage of the indulgence you gave them to say all sorts of irrelevant things, all for the purpose of casting some aspersions against me. But if there should be any opportunity, I know; I can defend myself, but this is not the occasion.

SHRI LOKANATH MISRA: On a point of order. He says you have given them the indulgence to speak whatever they wanted to. What is this ?

SHRI C. SUBRAMANIAM: I said "taking advantage of*" etc.

SHRI LOKANATH MISRA : It is not indulgence. You have allowed them to speak. There is the difference between giving indulgence and allowing somebody to speak and say things.

MR. CHAIRMAN : There is nothing in it that can be objected to. It is quite good English. There is no point of order.

SHRI C. SUBRAMANIAM : Unfortunately this is not the occasion for me to controvert all the arguments which were put forward, and if I do, I will be committing the same irrelevance in which they were indulging. Therefore, I stop here and I do not think there is any point which has been made to show that I have committed any breach of privilege either of this House or the Public Accounts Committee.

MR. CHAIRMAN : I will carefully go through the record of the speeches and for the moment I reserve my ruling.

The Calling-Attention Notice would be taken up at 5 P.M. NOW the House stands adjourned till 3 P.M.

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

The House reassembled after lunch at three of the clock, the DEPUTY CHAIRMAN in the Chair.

PAPERS LAID ON THE TABLE

ANNUAL ACCOUNTS (1964-65) OF THE INDIAN INSTITUTE OF TECHNOLOGY, KHARAGPUR

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION (SHRI BHAKT DARSHAN) : Sir, on behalf of Shri M. C. Chagla I beg to lay on the Table, under sub-section (4) of section 23 of the Indian Institute of Technology Act, 1961, a copy of certified Annual Accounts of the Indian Institute of Technology, Kharagpur, for the year 1964-65, together with the Audit Report thereon. [Placed in Library. See No. LT-6727/66]