

**Support Price fixed for raw cotton****@2268-A. SHRI DEORAO PATIL:**

Will the Minister of INDUSTRY be pleased to state:

(a) what is the support price fixed for raw cotton for the year 1978-79; and

(b) what is the support price for raw cotton fixed by the Maharashtra Government under the Monopoly Cotton Procurment Scheme for the same Year?

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (KUMARI ABHA MAITI): (a) The matter is under consideration.

(b) The matter primarily relates to Government of Maharashtra and information called for from them has not so far been received.

**STATEMENT BY THE PRIME MINISTER RE. RESOLUTION ADOPTED BY THE RAJYA SABHA FOR APPOINTMENT OF A COMMITTEE OR ALTERNATIVELY TWO SEPARATE COMMISSIONS OF INQUIRY TO INQUIRE INTO ALLEGATIONS OF CORRUPTION MADE AGAINST MEMBERS OF FAMILIES OF THE PRIME MINISTER AND THE FORMER HOME MINISTER**

**SHRI YOGENDRA MAKWANA:**

Sir, I am on a point of order. It pertains to the mass killings of Harijans everywhere, throughout the country. I have given a notice for special mention. This is a vital issue. I am going to stage *dharna* here. (Interruptions) All right, I will raise it later.

MR. CHAIRMAN: Before the Question Hour started the Members wanted that the Prime Minister instead of making the statement at 5.00 P.M., should make it now. Is it not? So, he will make a statement now. I

@Previously unstarred Question 2130 transferred from the 23rd Augst, 1978.

will request him to make a statement and since he has got some work, he will make the statement and then he will leave the House.

THE PRIME MINISTER (SHRI MORARJI R. DESAI): Mr. Chairman, Sir, Government has given careful and anxious consideration to the Resolution adopted by this House on the 10th August, 1978. The Resolution related to certain charges of corruption alleged to have been made and called upon the Government either to seek forthwith the guidance and advice from a Committee of fifteen members of the Rajya Sabha to be appointed by the Chairman for appropriate and necessary action to be taken on the allegations or straightaway appoint two separate Commissions. under the Commissions of Inquiry Act, 1952.

Any Resolution of the House is entitled to the greatest respect from the Government, but a Resolution is essentially recommendatory in nature.

Having regard to the fact that no specific instances of corruption have been referred to in the Resolution, Government do not consider that it would be justified in appointing Commissions of Inquiry which can only be set up for making an enquiry into any definite matter of a public importance.

For the same reason Government do not consider it appropriate to adopt the alternative course of action suggested in the Resolution, namely, to seek the guidance and advice of a Committee to be appointed by the Chairman.

Let me, however, make it clear that my Government yields to none in its desire to maintain the highest standards of purity in the administration, and would not allow any allegation of corruption to survive which may sully its image. So, even while regretting its inability to accept either of the two recommendations contain-

ed in the Resolution in the event of any specific charges of corruption in the context of the Resolution being made to it in writing by any hon. Member since my Government took office, Government proposes to refer the same to the Chief Justice of India for being examined by him.

SOME HON. MEMBERS: Shame, shame.

SHRI BUDDHA PRIYA MAURYA (Andhra Pradesh): Sir, I am on a point of order. Let my leader speak. Then I am here on a point of order.

विपक्ष के नेता (श्री कमलापति त्रिपाठी) : मान्यवर, मुझे इस बात की प्रसन्नता है कि हमारा अनुरोध मानकर के प्रधान मंत्री जी ने क्वेश्चन आवर के बाद ही अपना यह वक्तव्य दे दिया ।

मान्यवर, हमें दुख इस बात का है कि जो वक्तव्य प्रधान मंत्री जी ने दिया है उससे हमें बड़ा असन्तोष हुआ है । 10 अगस्त को सदन ने एक प्रस्ताव पास किया और बहुत बड़े बहुमत से वह प्रस्ताव स्वीकार हुआ । वह प्रस्ताव जिस प्रकार से पास हुआ, स्वीकृत हुआ वह हमारे लिए आज भी जीवित खड़ा है । आपने उसकी एक व्याख्या की । नम्रता से आप से निवेदन करने चाहते हैं कि आप जो व्याख्या करें उसे हम सर झुका कर स्वीकार करते हैं फिर भी हमें यह अधिकार है कि हम अपने विचार इस पर व्यक्त करें ।

प्रस्ताव अत्यन्त स्पष्ट था । उसमें यह कहा गया था कि यह सदन चाहता है और प्राथना करता है अपने अध्यक्ष से कि 15 सदस्यों की एक कमेटी बनाई जाए और सरकार से यह आग्रह करता है कि या तो इस समिति की राय लेकर के, सलाह-मशविरा करके उसके मार्गदर्शन में काम करे और जैसे मुतासिब कार्यवाही हो वह आगे करे अथवा दो कमीशन आफ इन्क्वायरी बिठाये ।

मान्यवर, हम नम्रतापूर्वक आपसे निवेदन करना चाहते हैं कि इस सदन की मंशा यह था कि वह समिति आपके द्वारा बनादी ज

और फिर सरकार को यह मौका दिया जाए कि वह दो में से एक बात मान ले । समिति की राय माने, उससे कोई मार्ग-दर्शन ले अथवा कमीशन आफ इन्क्वायरी बांप्त करे । इन दो में से एक रास्ता जो उनको उचित लगे उसे स्वीकार करें । मान्यवर, सरकार की ओर से बार-बार यह कहा गया और आज भी प्रधान मंत्री जी ने अपने वक्तव्य में यही कहा कि इस सदन ने कोई प्रस्ताव पास किया है तो उसे बड़े आदर की दृष्टि से देखना चाहिए लेकिन हम यह मानते हैं कि यह प्रस्ताव रिक्मेन्डेटरी है, जिसके माने ये हैं । सरकार को यह अधिकार है कि सिफारिश माने या न माने । उन्होंने इस सदन के प्रस्ताव को स्वीकार नहीं किया । मान्यवर, मैं समझता हूँ कि यह सदन का एक प्रकार से अपमान है, उसकी उपेक्षा है और उसकी घोर अवहेलना की गई है ।

मान्यवर, मैं आपसे निवेदन करना चाहता हूँ नम्रता के साथ कि यह सरकार दावा करती रही है कि हमने इस देश में लोकतन्त्र की फिर से स्थापना की है और नागरिक स्वतन्त्रता प्रदान की है । मान्यवर, लोकतन्त्र की रक्षा और लोकतन्त्र के प्रति आदर का यह प्रामाण है कि यह सदन जो देश भर की हमारी रियासतों, प्रदेशों का प्रतिनिधित्व करता है उसने एक प्रस्ताव पास किया तो उसे रिक्मेन्डरी कह कर अस्वीकार किया जा रहा है । इस प्रकार सारे सदन की इच्छा, उसकी आकांक्षा और उसके निर्णय का अपमान किया जा रहा है ।

मान्यवर, प्रधानमंत्री जी ने यह स्वीकार किया कि वह इस मामले को एक सुप्रीम कोर्ट के चीफ जस्टिस के सुपुर्द कर दें । बहुत अच्छा हुआ होता यदि वह इस इन्क्वायरी को सदन की राय के मुताबिक कमीशन आफ इन्क्वायरी का नाम दे देते । इससे हमें सन्तोष होता कि उन्होंने इस सदन की राय मान ली

पर उन्होंने नहीं मानी अब वह इसे एक चीफ जस्टिस के सुपुर्द कर रहे हैं ।  
 \* आज हमें दुख इस बात का है कि इस सदन की निष्पक्षता पर, सदन की न्यायप्रियता पर, उसकी न्याय भावना पर एक तरह से सन्देह व्यक्त किया गया है । इस तरह से इस सदन की अवहेलना करके यह प्रदर्शित करने की चेष्टा की गई है कि जो एक सामूहिक इच्छा सदन की है और उसकी जो न्याय करने की भावना है उस पर सन्देह व्यक्त किया गया है । सदन के न्याय करने की भावना में सन्देह है जब तक कि यह मामला किसी सुप्रीम कोर्ट के जज के सुपुर्द न कर दिया जाय तब तक न्याय न होगा । हम सदन की इस अवहेलना और इस अपमान में साथी नहीं हो सकते । प्रधान मंत्री जी ने जो कदम उठाया है और जो यह स्वीकार किया है कि यह मामला सुप्रीम कोर्ट के जज के पास देखने के लिए भेज दिया जा सकता है, यह उचित प्रतीत नहीं होता है । उचित तो यही रहा होता कि सदन ने जो एक प्रस्ताव पास किया है उसकी भावना को देखते हुए, उसकी न्यायप्रियता और निष्पक्षता पर विश्वास करते हुए यह सारा मामला एक समिति के सुपुर्द कर दिया जाता और उसके बाद आगे का कार्य देखा जाता । इस सदन ने जो प्रस्ताव पास किया है उसमें प्रायः समस्त विरोधी दल शामिल हैं । मैं अपनी भावना आपके सामने व्यक्त करता हूँ और ऐसा समझता हूँ कि अब वह समय आ गया है जब आप इस बात की अनुज्ञा दें, हमको अनुमति प्रदान करें कि हम जो प्रस्ताव आपके सामने रखे हैं उसके मुताबिक आप सदन की एक कमेटी बनाने दें । सरकार उस कमेटी के साथ सहयोग करे या न करे, यह उसकी इच्छा पर निर्भर करता है, लेकिन आप इस व्याख्या को स्वीकार करें कि एक कमेटी बनाई जाय । यह कमेटी बनाना आपके लिए आवश्यक भी है । एक प्रकार से मैं नम्रतापूर्वक कहना चाहता हूँ कि आप ऐसी कमेटी बनाने के लिए बाध्य हैं क्योंकि यह इस

सदन की राय है । सरकार उस कमेटी के साथ सहयोग करे या न करे, यह उसका काम है । आप स्वयं इस सदन के सम्मान, गौरव और इस गरिमा के रक्षक हैं । इस प्रकार से लोकतन्त्र की अवहेलना, इस सदन के सम्मान की अवहेलना और उसकी उपेक्षा जब की जाय और आप एक निष्चेष्ट दर्शक की भांति देखते रहें यह उचित नहीं होगा । ऐसी स्थिति में हम यह आशा करते हैं और आपसे प्रार्थना करते हैं कि आप इस सदन की राय लेकर उस समिति का निर्माण करें ताकि आगे का काम हो ।

**श्री भोला पासवान शास्त्री (बिहार) :**  
 सभापति जी, सरकार की ओर से बयान हुआ और सभा ने सुना । लेकिन इस बयान का यह अर्थ कभी नहीं है कि इस सदन ने जो कुछ पास किया है उसको सुपरसीड कर दिया जाय । अगर कोई काउन्टर रिजोल्यूशन होता, 10 तारीख को जो प्रस्ताव पास किया गया था उसके विरुद्ध कोई मोशन होता तो यह विचारणीय प्रश्न हो सकता था । सभा के सामने इस प्रकार का कोई प्रश्न नहीं है । सरकार की तरफ से एक बयान दिया गया है । सरकार ने जो वायदा किया था उस वायदे को पूरा किया है और समय पर अपना बयान दिया है । लेकिन इसका यह अर्थ कभी नहीं है कि जो एक सावरन बाड़ी है, उसने जो एक प्रस्ताव पास किया है उसको सुपरसीड कर दिया जाय । इस प्रकार का बयान हम भी देते हैं, प्रधान मंत्री जी भी देते हैं और अन्य माननीय सदस्य भी देते हैं । लेकिन ध्यान देने की बात यह है कि इस सभा ने एक प्रस्ताव पास किया है । प्रधान मंत्री ने एक बयान दिया है । आप उसको देख सकते हैं और अपना व्यू ले सकते हैं । प्रधान मंत्री के बयान के बाद ऐल लगता है कि सरकार इस सदन के प्रस्ताव को नहीं मानती है । हमारे प्रस्ताव के दो पहलू हैं । या तो कमीशन आफ इन्क्वायरी बैठायी जाय या एक 15 मेम्बरों की कमेटी बनाई जाय । तो सरकार अपना स्टैंड ले सकती है । सरकार

[श्री भोला पासवान शास्त्री]

ने तो साफ कह दिया है कि यह रिकमेंडेटरी रिजोल्यूशन है। सरकार इसको मानने के लिए तैयार नहीं है। यह स्टैंड तो क्लियर नहीं है लेकिन इतना जरूर उन्होंने अकम्मीडेट किया है चूंकि सदन ने पास किया है इसलिए उसको अकम्मीडेट करने की कोशिश बयान में की गई है व्यक्तिगत लोग अपने चार्जेंज मोरल जवाबदेही के साथ लावें और उसको हम चीफ जस्टिस के पास भेज देंगे। इतना अकम्मीडेट करने की कोशिश की गई है...

(Interruptions) लेकिन सरकार का बयान, बयान है यह कोई मोशन नहीं है इस लिए यहहा उस उसको मानने के लिए बाध्य नहीं है। अगर आप यह वियु लें तो गवर्नमेंट का तो वियु हम लोग समझ गए लेकिन चेयर अगर यह वियु रेंले कि हम तो देते हैं लेकिन सरकार नहीं मानेगी तो हम पास करके क्या करेंगे, कमेटी बना कर क्या करेंगे। चेयरमैन अगर यह वियु ले तो सदन को यह हक है कि वह प्रस्ताव के मुताबिक सोचे कि उसको आगे क्या करना है। क्योंकि आप अपने व्याख्यान से खुश, गवर्नमेंट अपने बयान से खुश और सब से गिरी-पड़ी रह गई यह सोवरन बाडी। यह बाडी कहां जाएगी। जो मालिक हैं वे तो पीछे चलें और जो नौकर हैं वह आगे चलें। मैं यह चाहता हूं कि इस हाउस में जो क्रेकट पोजिशन है वह ली जाए। तो क्रेकट पोजिशन यह है। आप हाउस के सर्वेंट हैं, मालिक नहीं हैं। मालिक यह सोवरन बाडी राज्य सभा है। जिसमें आप हैं सर्वेंट हैं। जो यह हाउस फैसला करेगा वही देश मानेगा और वही पक्की चीज है। अब आप समझिए कि आपको क्या करना है। गवर्नमेंट ने तो अपमना पिंड छुड़ा लिया, यह हम जानते हैं। गवर्नमेंट का काम पाक-साफ हो गया है वे तो हंस रहे हैं, मुस्करा रहे हैं कि हम तो निकल गए, हमने बयान दे दिया हमारा काम हो गया, हमारी चमड़ी बच गई और खुश हैं। सरकारी बेंचेज का मन हल्का हो गया। यह बड़ी भारी

चीज से निकल गए हैं लेकिन मैं आपसे पूछना चाहता हूं आपसे यह सदन पूछेगा कि सदन ने जो प्रस्ताव पास किया, उसका क्या होगा? यह आप बतलाइये। आपको फैसला लेना पड़ेगा और हम लोग इंतजार कर रहे हैं कि आप क्या करते हैं। आपके फैसला लेने के बाद फिर यह हाउस सोचेगा। आप जब फैसला कर लेंगे, आपके फैसले के बाद वह सोवरन बाडी सोचेगी कि इन्होंने जो राय दी है उस विषय में हम लोगों को क्या करना चाहिए। अब पोजिशन यह है। इसलिए मैं कहता हूं कि जो 10 तारीख को प्रस्ताव पास हुआ था वह सभा का प्रस्ताव है, कोई प्रस्ताव का पार्टी का प्रस्ताव नहीं है। न इस पार्टी का प्रस्ताव है न उस पार्टी का है। न यह जनता पार्टी का है, न कांग्रेस पार्टी का है न कांग्रेस (आई) पार्टी का है, न सी०पी०आई० (एम) का है, न सी०पी०आई० का है और न इंडिपेंडेंट्स का है। यह किसी पार्टी का प्रस्ताव नहीं है, किसी व्यक्ति का प्रस्ताव नहीं है, यह सदन का प्रस्ताव है। तो असली चीज तो उड़ जाए और नकली चीज कामयाब हो जाए तो काम कैसे चलेगा? जहां पर हम खड़े हैं, जहां हमारी जमीन है, जहां आप कुर्सी पर बैठे हुए हैं, जहां हम कुर्सी पर बैठे हुए हैं अगर जमीन ही धंस जाए तो कुर्सी वाला कहां बैठेगा। इसको कायम रखना है इसलिए मैं कह रहा हूं कि आप सोचिए और आप रास्ता निकालिए। मैं सब चीजों से सहमत हो सकता हूं, अपने दोस्तों को मना कर सकता हूं, मैं सरकारी बेंचेज के साथ भी अकम्मीडेट कर सकता हूं और मैं यह सब ख्याल रखता हूं लेकिन मैं कभी नहीं चाहूंगा कि राज्य सभा जो सोवरन बाडी है वह पीछे रहे। यह कौन चाहेगा। आप दिन-रात व्याख्यान देते हैं और डेमोक्रेसी की बात करते हैं। डेमोक्रेसी का प्रतीक यह हाइएस्ट बाडी है और अगर यह उड़ जाए और बले-बले कायम हो जाए, मैं यह कभी भी मानने के लिए तैयार नहीं हूं। आप फैसला लीजिए।

मैं आपको सुझाव देता हूँ कि आपका क्या फैसला होना चाहिए। सब शुभ काज भरत के हाथ। अब आप कहिए। आप से तो बड़ा सदन है ही। यही तो आखिरी हमारी संजीवनी बूटी है। इसको कैसे उड़ा दिया जाएगा? हम आएँ या न आएँ, आप आएँ या न आएँ, यह हाउस तो चलता रहेगा। गवर्नमेंट का वियु हमने जान लिया कि उनका क्या स्टैंड है। यह साफ है। हम इसको एप्रिप्रिएट करते हैं कि कम से कम एक वियु तो लिया कि प्रस्ताव रिकमेंडरी है और हम इसको मानने के लिए तैयार नहीं हैं। यह रास्ता उन्होंने निकाला। अब सोवरेन बाडी का प्रस्ताव है इसका आप सम्मान करते हुए क्या रास्ता निकालते हैं, यह आप सोचिए। इसमें और कुछ समय चाहिए तब सोचेंगे। तो जो हो गया बहुत हो गया। अब समय लेकर क्या करेंगे। समय बहुत बीत गया। समूचे देश का ध्यान इस ओर लगा है कि क्या हो रहा है। ऐसी बातों में सब कोई दिलचस्पी लेता है कि देखें क्या होता है। तो ठीक है, मैं तो आपको सुझाव दूंगा कि आपको जो कहा गया है कि पन्द्रह मेम्बरों की कमेटी बनाएं, आप बनाइए। कमेटी चाहेगी कि सरकार इससे सम्मति ले, राय मश्विर करे, जिस चीज को हम चाहते हैं कि पकड़ा जाए कि करप्शन कहाँ है। मान लीजिए सरकार नहीं लेती, जैसे कह दिया कि हमको इस कमेटी की राय की कोई जरूरत नहीं है, तो हम लोग सोचेंगे कि क्या करना चाहिये। तो यह कमेटी क्यों उठाई जाए। अब तो सरकार इसमें फंस गई है। अब आप कहाँ जायेंगे? अब इसमें से निकलने का रास्ता बहुत कठिन है। इसलिए इसको केन्द्र बिन्दु मानकर मेरा अपना विचार है कि राज्य सभा ने प्रस्ताव पास किया है इसको केन्द्र बिन्दु मान कर इसके सम्मान की रक्षा करते हुए सावरेन बाडी को बिना कुछ आंच पहुंचाते हुए आप रास्ता निकालिये। हमने आपको बिल्कुल करेक्ट सलाह दी है कि आपको कमेटी बनाने से कोई रोक नहीं सकता है। आप सरकार के नौकर नहीं हैं। आप सभा के हेड हैं।

अगर आपका पथ विचलित होगा तो काम कैसे चलेगा, मुश्किल हो जायेगा। मेरा तो मामूली सदस्य होने के नाते यही सुझाव है कि आप कमेटी बनाएं। यहां हम दिन रात डेमोक्रेसी की दुहाई देते हैं कि हम इसको चलाने के लिये त्याग करेंगे, और कुर्बानी करके डेमोक्रेसी का चिराग चलायेंगे। जिसकी ज्योति जलने की बात कह रहे हैं यहां तो ज्योति बुझाने की बात हो रही है। हमारी यही राय है। माननीय सदस्य और भी कुछ कह सकते हैं, यह तो मेरी राय है, मेरे विचार हैं मेरी पार्टी की तरफ से। मेरा ख्याल है कि और सदस्य भी मेरी पार्टी के साथ हैं। माननीय सदस्य जो हैं उन सब का हक है क्योंकि यह सभा की चीज है, यह किसी पार्टी की चीज नहीं है। यह सारे सदस्यों की सम्मान की भावना है। इसमें और भी माननीय सदस्य बोलेंगे। मुझे जो निवेदन करना था वह मैं कर चुका हूँ। आगे सब सोचेंगे कि क्या होता है और मुझे समय मिलेगा तो फिर मैं अपनी राय दूंगा।

SHRI BHUPESH GUPTA (West Bengal): Sir, a whole number of issues have now arisen as a result of what has been happening since August 10, 1978. We adopted a Resolution in this House. In our view, and we maintain it, the Resolution was absolutely mandatory—mandatory, if I may say so, in a moral, legal, constitutional sense, for the Chairman of the House; mandatory for the Government. At no place in the Resolution is the word 'recommendation' used. Do I understand that the House, while adopting the Resolution, did not know the difference between 'recommendation' and the words 'calls upon'? Sir, if the House wanted to recommend rather than give a mandate, it should have in its wisdom used the word 'recommendation', as is done in similar cases. Deliberately, discreetly and in public interest, the word 'recommendation' has been avoided in the Resolution of August 10, 1978. It is no use the Government or any other authority indulge in semantics and

[Shri Bhupesh Gupta]

arguments that the resolution is commendatory. If you look to the records of this Parliament, of the House of Commons, other Parliaments and even of the United Nations, you will find that when the words "calls upon" are used, it is taken as a direction and as a mandate. Here in this case, the Government has put its own interpretation of it and has sought, in clear defiance of the wishes of the House, the conventions, the customs, the practices and the usages not only in our municipal law but in the international law, to impose its own interpretation and definition on the House. This is adding insult to injury.

So, in so far as the attitude of the Government is concerned, the stand that has been taken by the Government is concerned, all I can say is that it will make August 24, 1978 a black day in the annals of the Republic and Parliament. Sir, we have passed through the corridor of time, we have established our traditions, our conventions and we have evolved a system under a written Constitution and enlivened it all along the way by conventions and practices created by these two Houses. Can you, Sir, cite once single example from the records of this House during the last 28 years when a resolution of this kind has been defied, ignored and disrespected by the Government as is being done in the present case?

We are told that the present Government believes in Parliamentary democracy, that they are trying to restore democratic norms and principles and that they are trying to dismantle many of the evil things of the Emergency. Today we have a cynical exhibition of imposing an authoritarian stand on the House, and the Government wants to get away with it. Sir, we protest against it. I have no language for it.

I entirely associate myself with the sentiments and views and sentimental platitudes expressed by Shri Kamalapati Tripathi and Shri Bhola Paswan Shastri. Every syllable of

what they have said would be vindicated by the history, the Parliamentary practice and all that we have followed. I need not try to improve upon it.

Sir, this is calculated defiance. The Government is ready to place the matter in the hands of the Chief Justice of India. I have nothing to say on this subject at the moment.

SHRI PILOO MODY (Gujarat): Why not?

SHRI BHUPESH GUPTA: But the Government is not prepared to entrust it to a committee of the House.

SHRI PILOO MODY: Not now, never, never in your hands.

SHRI BHUPESH GUPTA: I should like to know in which country this attitude would be tolerated. Would this be tolerated in the House of Commons which you take it to be your guide? I do not take it. Would it be tolerated if the British Prime Minister got up in the House and said, "I would not go to a committee of the House; rather I would go to the Chief Justice or a Justice?" Never would it be tolerated. Sir, it would be a shocking statement for the British public. We are supposed to have, in many ways, a better and stronger democracy with more vitality. Is it not then an outrage on our dignity, on our honour, on our tradition and particularly on the House?

SHRI PILOO MODY: To hell with your honour. Hypocrites.

SHRI BHUPESH GUPTA: Why, Sir, are we not trusted?

SHRI PILOO MODY: Hypocrites; santimonious humbugs. (Interruptions)

SHRI KALP NATH RAI (Uttar Pradesh): This Piloo Mody always sits and speaks nonsense. (Interruptions)

SHRI BHUPESH GUPTA: Suppose, Sir, this resolution...

SHRI KALP NATH RAI: Sir, you ask him to stand.... (Interruptions)

SHRI BHUPESH GUPTA: Suppose this resolution had been passed by the Lok Sabha. Except for financial bills and other matters, we are of equal status. Suppose it had been passed by the Lok Sabha. What would have been the position of the Council of Ministers, which is responsible under the Constitution to the Lok Sabha? Sir, it is no use trying to bring a Constitutional amendment and then deliberately defying the House. (*Interruptions*) The Government takes cover...

SHRI PILOO MODY: Hypocrites.

SHRI BHUPESH GUPTA: The Government is evidently taking cover under the Constitutional provisions that the Council of Ministers is not responsible to this House. That advantage they are taking. Had it not been so, the Government would have been liable to resignation today in this House? It would have had no right to exist. But today it is taking this Constitutional cover. But what about the moral cover? Is there any moral cover? They are completely denuded...

SHRI PILOO MODY: How about you? What moral right do you have?

SHRI BHUPESH GUPTA: ...completely exposed. This is what is happening. Sir, I do not wish to say very much. We were anticipating this thing on the part of the Government. But the country will know that this Government believes in double talk. This is what they will know. They talk of democracy but insult and humiliate the word of the Houses of Parliament. We have been denigrated today. The will of the Council of Ministers, or the Cabinet consisting of a handful of people, has prevailed over the will or the word of the two Houses of Parliament. This is what it amounts to. We are not going to tolerate it. We will not be a party to it.

Now, coming to you, Sir, we are conscious that the Chairman of the Rajya Sabha occupies the Chair be-

cause of the fact that he is the Vice-President of India; ex-officio he is the Chairman. His position is not that of the Speaker. Had it been so, Sir, we would have a remedy open to deal with the Chair also. But we do not have that remedy. We know it. We are conscious of our limitations.

AN HON. MEMBER: Why do you threaten?

SHRI BHUPESH GUPTA: I am conscious of our limitations...

SHRI PILOO MODY: Be conscious of your moral limitations also.

SHRI BHUPESH GUPTA: I am very sorry, this is not the occasion for Mr. Piloo Mody's buffoonery, if I may say so. This is a serious occasion. We are passing through a grave constitutional and political crisis...

SHRI PILOO MODY: Humbug.

SHRI BHUPESH GUPTA: ... in which the parliamentary institutions are sought to be outraged, denigrated and humiliated in the eyes of the people and of the world at large. This is not the occasion to indulge in buffoonery of the kind that Mr. Piloo Mody is indulging in. But, Sir, we need on occasions buffoons also. There is no doubt about it. But, not at the moment.

Coming to you, Sir, what was your duty? Sir, if I may submit in all humility, your duty was just to appoint a committee.

SHRI PILOO MODY: No.

SHRI BHUPESH GUPTA: We may be right or wrong. We think we are right. You may have your own ideas...

SHRI PILOO MODY: We do.

SHRI BHUPESH GUPTA: Sir, will this running commentary stop?

SHRI KALP NATH RAI: There is no use sitting and making a running commentary. Sir, you ask him to stand up and speak. (*Interruptions*)

SHRI BHUPESH GUPTA: If we have not used the words "this House directs the Chairman to appoint a committee", we have done so out of our abundant courtesy and consideration for you.

If we have not used the words that it calls upon the Chairman to do so, we have not done it for the same consideration. When the resolution says that, it does not say the committee should be constituted by the Chairman provided the Government agrees to cooperate with the committee. The resolution does not say such things. The resolution is categorical: It calls upon the Government to heed, to tell the Government, yes, we are intervening through our Chairman for appointing a committee. But, Sir, you have not, I must say, fulfilled your great responsibility. We feel sorry that the wish of the House has not found its due appreciation from you. We have reposed our trust in you. We have put our faith in the Chair, having regard to the tradition which Dr. Radhakrishnan, Dr. Zakir Hussain, Shri V. V. Giri and others established in the House. Today we are pained, we are afflicted, we are aggrieved, because it does appear that we have not put our faith and confidence in proper place in a proper way. It is our fault, not yours. Perhaps we had been aware. Sorry.

Now coming to the final position, what are you going to do? Up to now you have not said anything. Silence on the part of the Chair, punctuated by encouragement to the position of the Government, bodes ill for our Parliamentary institution. This is what I would say. You said the other day you were waiting for the Government's reaction, which of the two courses the Government will take. The Government has taken a course; the Government has defied the House altogether, 100 per cent. Is it not then your duty to rally to the sense and dignity and prestige of the House and come out and say, yes,

now I appoint a committee? This is the only thing you can say. You have got the reaction of the Government. You did a mistake. You should have asked the Government only one question: Are you ready, are you going to appoint two separate commissions of inquiry? If the Government had said, yes, then you would have been justified in not appointing a committee yourself. If the Government had said, no, well, the same thing, you would have been justified in appointing a committee. But what did you ask them? You are not to ask for that advice. This is not an alternative to that. Only if the Government appoints two commissions of inquiry, the committee appointed by you will become infructuous; otherwise, it does not become infructuous at all. Yet you took the plea of infructuousness, unheard of in the interpretation of law, in the tradition of Parliamentary democracy, even repugnant to common sense. What did we ask you? We did not ask you to appoint a committee on the basis of the reaction of the Government. On the contrary, the House asked you to appoint a committee and then call upon the Government to come and cooperate with it. What has happened is tragic. These accusations, charges, will come and go. But today we are putting on record something, we seem to be doing something, which will be remembered with sorrow and agony by those who read about us in the future. I would honestly therefore appeal to you ...

SHRI PILOO MODY: He does not remember the Emergency with sorrow and agony.

SHRI YOGENDRA SHARMA (Bihar): Sir, this clown of Piloo Mody is going too much and too far. And you seem to be enjoying this clown. Do you enjoy this clown? (Interruptions)

SHRI IBRAHIM KALANIYA (Gujarat): Sir, he should not be allowed to speak like that (Interruptions).



SHRI BHUPESH GUPTA: Sir, before you adjourn the House, I would request you to consider the whole matter....(*Interruptions*).... and appoint the Committee. This side of the House is clear about it. Sir, am I to state that we are living, we are working, under a Chairman who would not show respect to the self-evident expression of an overwhelming majority of Members of the House, expressing their wish in a particular manner? Are we to function with this feeling? Sir, this has today given us the feeling—everyday we shall be sitting here—that of you do not appoint a Committee, we are sitting under a Chairman who would not pay heed to the wishes of an overwhelming majority of Members of the House. Would it bring credit to your office? Would it add to our honour? Would it develop better communion and relations between the Chair and the Members of the House? Would it be conducive to the creation and evolution of a healthy parliamentary tradition and to the maintenance of the dignity of this House that we have achieved? Therefore, Sir, kindly do it even now. Let the Government do whatever it likes. Let the Government do whatever it likes and we are not concerned with the Government at the moment. We are concerned with ourselves, with the House, its honour, its sovereign will, its prestige, and its dignity, and we shall not allow the dignity of the House to be trampled under the foot by the Government. Therefore, Sir, we would request you, if I may say so, we would appeal to you, appeal to the Chair, to rally to the defence of the honour and dignity of the House. That is all that I would say. Sir, we are very sorry that we have failed to persuade anybody, the Government, we can understand. But it gives us terrific pain, mental agony and affliction that we have failed, all of us together, not only by expressing our views, but by recording it in the Resolution, to impress upon the Chair. This is the great pain to us. Sir, relieve us

of that pain, relieve us of this agony and draw us out of the darkness and the gathering clouds which the statement of the Government has brought about in the functioning of our parliamentary system.

Sir, before I sit down, I would like to say that I am proud of the fact that we, all Members of the House, have stood together for the vindication of the honour of our parliamentary institution, the honour of the Chair and everything. I hope, Sir, that this will find an equal response from the Chair who, after all, well, presides over the deliberations of the House and is expected to give expression to the temper, to the mood, to the views, to the wisdom, to the collective will, of the House which is above all a reflection of the will of the people. Thank you, Sir.

SHRI B. N. BANERJEE (Nominated): Sir, once again it is necessary to put before the Chair and the House the sequence of events.

AN HON. MEMBER: Louder, please.

SHRI B. N. BANERJEE: Sir, on the 10th the Resolution was passed by this House and, after it was passed, it became a decision of the House. Sir, you were asked by a good section of the House, particularly the Opposition, to appoint a Committee as contemplated in the first part of the Resolution. You said in your ruling—we have got your ruling or announcement, whatever you may call it—that so far as the Government is concerned, unless the Government indicates which of the recommendations, which of the two recommendations made, they have accepted, the appointment of a Committee by you at that stage would be infructuous. Sir, the honourable Leader of the House has tried to put forth the view, while interpreting this Resolution on several occasions in this House, that this Resolution was addressed only to the Govern-

[Shri B. N. Banerjee] ment and that you have said in your ruling that this Resolution was addressed to the Government. I have read your ruling several times and there is no such thing. You have never said that the Resolution is addressed to the Government only. Nevertheless, ... (Interruptions)... Please hear me. I am not trying to take a partisan attitude. Sir, you have nevertheless said that this Resolution recommends to the Government to accept the first or the second alternative. I am not trying to find fault with Mr. Advani's argument. I will, to the dislike of hon. Members on that side, agree that this is a recommendatory resolution ... (Interruptions) Sir, English is not the mother tongue of Shri Bhupesh Gupta or of Shri Kamalapati Tripathi or of myself, though I admit that Shri Bhupesh Gupta can talk English much more fluently than a poor fellow like myself. But, Sir, what is the meaning of the phrase "calls upon". I have tried to find it out from all available dictionaries. In Chambers, 20th Century, "Call upon" means "to invoke appeal to...". Where is the direction, and where is the mandatory character in his phraseology?... (Interruptions) Please hear me. Let us go to the Oxford Concise Dictionary. "Call upon" also means "invoke or appeal to". I go to another dictionary which is very popular these days, Random House; therein also it means "to request, to appeal". In another dictionary, Advanced Learner's Dictionary published by the Oxford University, it means "appeal to, invite, require". So, it is not correct to say that this resolution has become mandatory on the Government. Sir, I am talking about the legal bindings. So far as parliamentary practice or propriety in a parliamentary system demanded of Government, I will reserve my comments for the present. I agree with Shri Advani that so far as the Government is concerned, this was a recommendatory resolution, and it is not legally binding on the Government. There is no escape from

that. Shri Bhupesh Gupta referred to the United Nations Resolutions. Sir, I have not attended the United Nations.

SHRI L. R. NAIK (Karnataka): Then keep quiet.

SHRI B. N. BANERJEE: I have seen some Resolutions passed by the General Assembly. There the words used are "call upon". Shri Vajpayee has been there, Shri Shanti Bhushan has been there and many other have been there. You cannot issue a mandatory instruction on a sovereign power. In the same context also, so far as the Security Council is concerned, there is provision in the Charter that in respect of the Security Council Resolutions they are binding. So when the Security Council passes a Resolution with the expression "calls upon", it becomes binding, not because of the use of the phraseology "call upon", but by the use of a specific provision in the United Nations Charter that a Security Council Resolution is binding. Sir, this is so far as the legal binding character of the Resolution vis-a-vis government is concerned. There I agree with Shri Advani's view.

Now, Sir, that is not the end of the matter. The hon. Prime Minister has said that we are very respectful to the Resolution passed by Parliament, we are wedded to a Parliamentary democracy. Sir, it does not require any argument, neither does it require any authority to establish this proposition that it is the very fit and proper and moral responsibility of any Government to abide by the Resolution passed by a House of Parliament.

It is also conceded by the Hon'ble Prime Minister in his statement which I have heard with great attention. He has given the argument that they do not accept this resolution because no definite charges were made. That was the only argument. Nothing more than that. But every Government has its own sense of propriety. If this particular Government feels that their sense

of propriety is this that a resolution accepted by a House of Parliament, because it is not legally binding on them, should be thrown into the dust bin, well, that is their sense of propriety. Certainly, the sense of propriety of other people may be different. I stop at this.

But, unfortunately, that does not finish the matter. Sir, the Government, I must regret to say, have landed you in a very bad position. You said on that day that your ruling was not ambiguous and that it was very clear. I have read it again. What you meant to say on that day was: I am not appointing a committee today because I want to know the attitude of Government. They should indicate which of the two alternatives they are accepting. Sir, you were not thinking that the Government will not accept any of the two alternatives and by the word 'infructuous' used by you in that connection, you meant to say: If the Government appoints a commission of inquiry, why should I appoint a committee which will be infructuous? This is what was possibly in your mind. But, Sir, it is very difficult to enter into the mind of anybody. We always interpret a particular ruling or a document in the light of what appears in the ruling itself and that is how I interpret it. You might have had different things in mind. As I have just told you, you have been landed in a very difficult situation. I agree. I repeat once again that since the Resolution or the Motion as adopted is recommendatory, so far as the Government is concerned, they have walked out of the whole thing. But that does not finish the Resolution. The ball is in your court. You are the custodian of the House. You cannot treat a decision of the House in the same manner as the Government has done. I am not suggesting to you what you should do. I am just telling you what are the options open to you. You have now to decide what you should do. If you read the first part of the Resolution once again, you will see that two views are possible. Let us forget the second part of Resolution. Let us

give a burial to the second part about the appointment of a commission of inquiry. This was addressed to the Government only. You have never said that the resolution does not cast any duty on you and the name of the Chairman is mentioned there only because if the Government wants to seek the guidance of a committee, then and then only the appointment of a 15-member committee by the Chairman is called for. Here I must say that I am in agreement with Shri Bhupesh Gupta that such an interpretation is not possible to make it possible. You put in some more words in the Resolution which are not there. I wish Shri Bhupesh Gupta, when he gave the amendment, should have made it completely unambiguous by saying "Recommend that a parliamentary committee be appointed consisting of 15 members to do certain things...". But Shri Bhupesh Babu is not that simple a person as he appears to be. He intentionally did that. He had to get his amendment passed. Therefore, what is the other interpretation? The other interpretation is that this that you are not going to consider whether a particular thing will be fruitful or infructuous. It is none of your business while interpreting the resolution at this stage. I admit that the first part contains a recommendation to the Government. But there is also a mandate to the Chair.

Sir, I have not disclosed what my mind is. This is the other alternative. You will have to think in these terms because whatever I say and whatever people on this side and that side say, —the people sitting on this side will say, it is not binding, the Chair is not to appoint and the people on that side will say, it is binding, the Chair will have to appoint, and there is no meeting point—ultimately you will have to come to a conclusion, ultimately somebody will have to decide the meaning or the interpretation. Sir, the Opposition, if they knew that they have got a majority, not in this session because they will be prevented by the rules of procedure to come forward with a motion, but

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in the next session, may make a clear-cut motion and may get the motion passed. So, the other interpretation is this and you have got to very seriously consider this interpretation that there is a mandate to the Chair, the Resolution though recommendatory so far as the Government is concerned is binding on the Chair, to appoint a Committee because, Sir, it is a settled rule of interpretation of a document and also the statute—though here we are not concerned with the statute but with a document—that after the motion is passed, it is incorporated in a document. Sir, Mr. Shanti Bhushan is a very competent lawyer and possibly he will meet my argument where a particular thing is capable of two different meanings, with regard to the first part of the Resolution, it is a duty for you in this particular case and you have to adjudicate and give an interpretation to give a meaning which will make action on the Resolution possible. You will have to accept that alternative which gives a beneficial meaning to the Resolution. It is not that easy, Sir, for you to say, "Well, because the Government has said this and they will not co-operate with the Committee, why appoint a Committee?" Sir, it is not that simple. The other interpretation is, "There is a mandate to me. I have to appoint a Committee, and it is immaterial what the attitude of the Government is to that Committee." Sir, who knows that after the Committee is appointed, the Government may change their mind. Did the Prime Minister tell the other day as he told us today that he was prepared to refer it to the Chief Justice of India in some form? Sir, the situation changes every day, particularly these days. You read today's newspaper, tomorrow's newspaper and the third day's newspaper. There is a change everyday. And, Sir, our source of information is only the newspaper. Therefore, Sir, you will have also to remember that you cannot give an interpretation to a parti-

cular resolution only thinking that today this is the position, the Government possibly do not co-operate, will not possibly seek the guidance of the Committee and so, why appoint a Committee. Sir, the situation may also change. And, Sir, particularly, you have got to give a meaning to the Resolution which will make the Resolution operative and not altogether absolutely null and void. Sir, these are the alternatives. I have not disclosed my mind. But, Sir, if you ask me, "Mr. Banerjee, what course would you have suggested if you were sitting there?", I would have said that of the two interpretations, so far as your duty is concerned, the second is a more appropriate alternative. And, Sir, as a person adorning the Chair—I do not use the expression though that is also a recognised expression in parliamentary parlance that the Chair is the servant of the House, but having served under you, I will use the expression that the Chair being the custodian of this House and of its rights and privileges—you cannot treat this Resolution, and it will be wrong, inadvisable and improper on your part to treat the Resolution, with the same attitude as the Government of the day has done.

1 P.M.

MR. CHAIRMAN: Yes, Shri Surjeet. (Interruptions)

Now, it is 1 P.M. What is the wish of the House? Should we adjourn for lunch?

SHRI ANANT PRASAD SHARMA (Bihar): Sir, let Shri Surjeet complete.

MR. CHAIRMAN: Is Shri Surjeet the last speaker then?

SHRI PRANAB MUKHERJEE (West Bengal): Nothing like the last.

SHRI N. P. CHAUDHARI (Madhya Pradesh): Sir, please continue the House, no adjournment for lunch. (Interruptions)

LEADER OF THE HOUSE (SHRI LAL K. ADVANI): Sir, if it is to be one Member from each party or

leaders of the parties alone, let it be completed now. But, if you intend permitting more Members, then it is different matter. If the spokesmen of the various groups only are expressing their opinion, it should be continued now.

**SHRI DINESH GOSWAMI (Assam):** Sir, there are two aspects. It is an important matter on which many of us would like to make our observations. It is a matter on which we are also prepared to express our opinion after lunch, but, Sir, you must be in the Chair and not the Deputy Chairman.

**MR. CHAIRMAN:** For the information of the hon. Member, the Deputy Chairman is not here at all.

**SHRI DINESH GOSWAMI:** Sir, we are prepared to adjourn for lunch now but you should be in the Chair after lunch.

**SHRI KAMLAPATI TRIPATHI:** I would request you to adjourn the House for lunch now and after the lunch, when the Deputy Chairman is not here, we would request you to come here and preside.

**MR. CHAIRMAN:** Now the House stands adjourned. It will reassemble at 2 P.M.

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

The House reassembled after lunch at two minutes past two of the clock, Mr. Chairman in the Chair.

**MR. CHAIRMAN:** Mr. Dinesh Goswami.

**SHRI KALP NATH RAI:** Hindi.

श्रीमान, प्रधान मंत्री ने सदन का अपमान किया है और उन्होंने कमेटी को बनाने से इन्कार किया है। . . .

**MR. CHAIRMAN:** I have not allowed you; I have allowed Mr. Goswami.

**SHRI KALP NATH RAI:** Why not?

**MR. CHAIRMAN:** Why not? I do not understand it. I have to con-

duct the debate. He was already standing before. What are you saying?

**SHRI VISWANATHA MENON (Kerala):** Sir, our viewpoint also must be heard.

**SHRI HARKISHAN SINGH SURJEET (Punjab):** Mr. Chairman, Sir . . . (Interruptions)

**MR. CHAIRMAN:** In the morning, hon. Members have seen that I have given the opportunity first to the leaders of all the political parties . . . (Interruptions) Mr. Kalp Nath Rai, your loud shouting will not get you any benefit. My point was, I wanted first the leaders of all political parties to speak and then I can give chance to one or two selected Members from each party. Let us see. I am not in a hurry. Why are you bothered?

**SHRI ARVIND GANESH KULKARNI (Maharashtra):** Sir, I am trying to catch your eye.

**SHRI KAMLAPATI TRIPATHI:** Sir, we expect that you would give full opportunity to all the Members.

**SHRI HARKISHAN SINGH SURJEET:** Sir, I was to speak first.

**MR. CHAIRMAN:** Yes, you may start.

**SHRI HARKISHAN SINGH SURJEET:** Mr. Chairman, Sir, I do not want to opine on the legal aspects. There are many legal experts in the House. They can debate upon whether the Resolution is mandatory or recommendatory and you can find a solution. So far as I am concerned, I feel the main question involved is—which is being debated upon since more than a month—if some charges are levelled against somebody, some Minister, Prime Minister, his family members, can those charges be enquired into? That question was being debated upon during the last many days. The explanation given was that somebody is a private citizen; you cannot go into that. It is

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not a new thing. Earlier also, whenever such things have happened, some arguments were being given. This happened in Punjab when Sardar Pratap Singh Kairon was the Chief Minister. He was a very outstanding personality, a very honest man. But when the question came about his son, he went on protecting him till the Das Commission Report came. Although, nobody, even to-day, can criticise Sardar Pratap Singh Kairon about in his personal life, it was found that his authority and position was being used. Same thing was being done before and during the Emergency when the ex-Prime Minister went on defending Mr. Sanjay Gandhi. He is an innocent boy. He does not indulge in anything. He is a technician. People are jealous about him and all that. And the same is being repeated of Shri Morarjibhai. Nobody can say as to what has happened but some weakness about the children about boys and girls and all their relations is known in the persons in authority. This has taken one month's time of this House.

DR. RAFIQ ZAKARIA (Maharashtra): So, bachelors should be made ministers. Shri Bhupesh Gupta should be made a Minister.

SHRI HARKISHAN SINGH SURJEET: This has taken one month's time of this House. I may point out here that neither the Government nor the opposition is interested in conducting the business of this House. At least, I am more interested in the Forty-fifth Amendment of the Constitution. So, in this connection when I look upon the matter, upon the legal aspect of the matter, on 17th also I had repeated that whatever may be the legal aspect, once the resolution was adopted by the House it should be implemented. It is not a legal question, it is a question that the Resolution be implemented and I asked you that the Committee must be appointed. That was the position taken. Earlier the Government was not agreeing to anything. But now

I find that on this question after one month's resistance the Government has come down and they have accepted—I am not saying the resolution—the opinion of the House. That means, earlier they were making it a principle that neither they could set up an Inquiry Commission nor would they set up a Committee to seek its opinion. They said: No, we cannot set up an Inquiry Commission, we cannot set up any Committee. But now that 'cannot' has gone and the Government itself has come forward with the proposal that the charges could be referred to a judicial person. That I feel is a victory for the House. I do not share the sentiments of many of my colleagues expressed here who have totally rejected everything. Now let us see what is the history of this whole issue, how this started. We read some newspaper reports. In those reports it was stated that the ex-Home Minister has written so many letters to the Prime Minister, asking him to enquire into the charges of corruption against Kantibhai and he in reply had said that there are some charges against your family members too, they should be enquired into. The news appeared in the papers. It is after that, a demand came in the House that the letters be placed before the House so that we also know what is happening. It was not a private affair. The whole country was debating and we are interested, we should know what is happening. But the Government went on refusing. After many days some agreement is arrived at that those letters must be shown to some leaders. And they were shown those letters. After that also the Government went on refusing. When a unanimous demand was made that they should be placed before the House, I do not know why the Government went on refusing and saying: No, they cannot be placed. It is after that the Government created such a situation. When on 10th August, they came before the House, with this Resolution, on that day itself the Congress Party and we suggested an amendment. We asked the

Government, passed upon the Government to agree to the proposal that the charges and counter-charges be referred to some judicial person to go into, whether there was a *prima facie* case. They refused to agree to that. Ultimately, the result was the passage of this amended Resolution which has put you, Sir, in difficulty and the House in difficulty and everybody is trying to find a way out of that situation. Now they have accepted the same views which we had placed then. At that time we had said that they must be probed. The earlier stand that they had taken is gone, maybe, under the pressure of the unanimous opinion of the Rajya Sabha. Now they have come to the point that: Yes; they can be enquired into. But I will suggest one more thing. In the statement made they said that only those charges which are made by any Member of Parliament or from outside can be referred to. I would say some charges are made in the House. I am not referring to 1951, 1952 or 1968. I am referring to the period from 1977 onwards when the Janata Party came into power. They are made by Members of Parliament here. You not only ask for the new charges to be made. Those charges should also be referred because they were made here in this House with full responsibility by Members of Parliament. I am not saying about 1952 or 1968. Somebody quoted in justification of this thing that they can also be made, the same thing can be repeated again but my argument is that why do you ask them to be repeated again if they are made here. That is why some way has to be found.

I do not want to go into the argument of the supremacy of Parliament. I did not like Comrade Bhupesh Gupta using the words—"today is a black day". Why? I think he will exhaust all his vocabulary if he is using these words, because what would he say when, using the authority of the same argument about the supremacy of Parliament, both the Houses of Par-

liament adopted that blackest Act—Forty-second Amendment of the Constitution—during the emergency, when many Members were in prison.

SHRI BHUPESH GUPTA: Sir, I want to say...

SHRI HARKISHAN SINGH SURJEET: I am sorry to say that Comrade Bhupesh Gupta was a votary to it, a party to it. I ask: why did you bring this argument here again? There is much more than the supremacy of Parliament. They ignored the will of the Indian people at that time. They defied their will. The people are much superior. And this argument of supremacy of Parliament was used at that time. This should not be used too often. It is supreme; it is elected by the people. It has people's representatives. It is supreme, I agree. But repeatedly saying this does not mean anything because we had the blackest day in our country—in fact much worse than that—when the whole democracy was being butchered in the country. So we should not lightly use the words 'black day' and all that. I want to make it clear that if somebody is interested in seeing that the Forty-second Amendment of the Constitution should not be done away with and the Forty-fifth Amendment should not be adopted in this House, I can tell you that you can block it for three days but the people of India will not forget you. We are more interested in it than in Kantibhai affair. We are much more interested in the Forty-fifth Amendment Bill. Nobody should be allowed to go scot free. One who has indulged in corruption should not be allowed to go scot free. We no doubt, are interested in that. But at the same time, we are aware that already many days have been spent on it. We are not able to raise many issues. I do not want to comment, but any Calling Attention Motion which I have sent is disallowed; any Resolution I have sent is disallowed; and everyday we receive notices about that. When we want to raise some problem about

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the people, that is disallowed. But the Kantibhai-Charan Singh letters are being debated every day. And for this, not only the Opposition but the Government itself is responsible. It has bungled in this matter and allowed so many days. Now only a few days are left. Lok Sabha has adopted the Forty-fifth Amendment Bill. Now we should give some serious thought to it and put an end to this controversy. Find a way out. And whatever way—legally, technically—can be found by Comrade Bhupesh Gupta, yourself and other legal experts. Mandatory, legally, recommendatory—all this can be found out provided we are clear about one thing: Do we want to find out whether the corruption charges are correct or not? Or are we interested in something else? If we are interested in the former, I think the statement which has been made is worth considering with the amendment which I am suggesting—that not only the charges should be referred a new put even the charges made in this House by responsible Members relating to the period of the Janata regime should also be gone into. We should put an end to this controversy and let us proceed with the Forty-fifth Amendment Bill, which the whole country is looking forward to, so that the authoritarian framework is fought back and defeated. That is all I wanted to submit on this point.

SHRI G. C. BHATTACHARYA (Uttar Pradesh): My Calling Attention Motion is about the price rise which is more important than anything else. Everybody is suffering from price rise. You have admitted the Calling Attention Motion. Let it be discussed.

MR. CHAIRMAN: Mr. Era Sezhiyan was not present. I wanted to call him. After Mr. Goswami I will come to him.

SHRI G. C. BHATTACHARYA: I want your ruling. Why Mr. Zakaria is not interested in the suffering of the

people who are suffering because of price rise? Why should it not be taken up? Is he not concerned with the suffering of people of this country?

MR. CHAIRMAN: Mr. Goswami, in the morning a number of Members have already spoken. Therefore, you try to be very brief. Mr. Goswami.

SHRI ARVIND GANESH KULKARNI: Sir, I have been trying to catch your eye since 11 o'clock.

SHRI DINESH GOSWAMI: Mr. Chairman, I understand the anxiety of my friends who want that the Calling Attention on the price rise should be taken up. Does he not admit that the whole effort of curbing price rise cannot succeed if the influence of money power in the election is not done away with? Therefore, what is the utility of discussing a Calling Attention unless we try to tackle the problem at the root. That is why we are interested in this.

SHRI G. C. CHATTACHARYA: Whatever you say, price rise is more important than anything else. He can take that view, I have no objection. Let people know them.

SHRI NAGESHWAR PRASAD SHAHI (Uttar Pradesh): Price rise is more important than Mr. Kanti Desai.

श्री कल्पनाथ राय : प्राइस राइज के लिए तुम्हारी सरकार जिम्मेदार है ।

SHRI ANANT PRASAD SHARMA: Corruption is more important than price rise. The subject that we are discussing today is of the utmost importance.

SHRI KALP NATH RAI: Discussing corruption is more important than price rise.

SHRI DINESH GOSWAMI: Why do you not allow me to speak? Sir, the subject that we are discussing today is extremely important not only because corruption charges are there



but I feel that if the House does not discuss it with a certain amount of calmness it may lead to a confrontation between the House and the Government, House and the Chair, it may lead to a confrontation between the judiciary and Parliament at some stage. Therefore, I feel that we should discuss it not from petty party and political angles in which we are not interested but some fundamental questions are involved. Sir, you gave a ruling on the 17th—I am using the word though it should preferably called your opinion, "ruling"—that two courses seem to be open to Government, namely, that either they should seek guidance and advice from a Committee of the Members of the Rajya Sabha or appoint two separate Commissions of Inquiry. Your observation was that there were two courses open. You did not give any indication to the Government that there is also a third course open to them. The Government has avoided both the courses. I would like to know whether it is not flouting the observation that you made. Now they want to say that they are not prepared to accept any of these alternatives because the motion is recommendatory. The hon'ble Prime Minister made a mistake when he said that the resolution is recommendatory. May I point out to you that this was not a Resolution but it was a motion. The essential difference between a Resolution and a motion is that a private Member in his own right can bring a Resolution before the House and if the Resolution is balloted in his favour then he is entitled to move it. In the case of a motion, Sir, you will see that it requires, first, your admission then the discretion, to a certain extent, of the Leader of the House because he is to be consulted so far as the timing is concerned. Also, may I refer to you, at this stage, rule 155? Rule 155 says: "A resolution may be in the form of a declaration of opinion by the Council." So far as a resolution is concerned, this provision has been made that a resolution may be in the form of a declaration of opinion by

the Council, but in the case of a motion this particular provision is not there and, therefore, while interpreting a motion we shall have to interpret its every word. My friend said about statutory resolution and non-statutory resolution—undoubtedly. But he will see the categorisation is regarding resolution. Motions are substantive motions, substitute motions and ancillary motions. Motions are never statutory motions or so on and so forth. Therefore, my submission will be that this is mandatory.

My friend, Mr. Banerjee, tried to rely upon the words "call upon." Sir, the English language is a very flexible language and it depends upon who uses it. If we want to give that much of flexibility, let us look at today's question paper, question No. 781. It is said there, "Will the Minister of Defence be pleased to state:..." He will stand up and say "It is not my pleasure to state" and sit down. Can you compel a minister to answer a question and if so under what rules he must answer? Is there any provision under the rules that a Minister is bound to answer? The only provision is that if a particular question is not reached, he is to give a written answer. Will you kindly interpret the word "please?" It is entirely up to a Member to use it or not. But let us interpret it like this, and from tomorrow Mr. Advani will stand up and say, "Well, you have asked me whether it is my pleasure to answer. It is not my pleasure to answer."

AN. HON. MEMBER: He won't say that.

SHRI DINESH GOSWAMI: Let me point out about the words "call upon." The term "call upon" has been used in the English language and is interpreted in the English dictionaries, but we have got another dictionary and that is the legal dictionary or judicial dictionary. The meaning given in an English dictionary and the meaning imported into a judicial dictionary are

[Shri Dinesh Goswamy]

not always the same. I have with me a dictionary of judicial interpretation. The term "call upon" was interpreted in three cases in three English courts, and I want to point out that in all these cases the term was interpreted as mandatory. No option was left to the persons called upon to do a certain thing. I will say, under the Arbitration Act, an arbitrator was called upon to do a specific thing connected with arbitration. No option is left under the English Arbitration Act and an arbitrator cannot say, "Well, I have been called upon to act; therefore, I have an option either to act or not to act." A person *bona fide* is called upon to pay under section 5 of the Parliamentary Voters Registration Act, 1843; if his name is inserted in the Red Book, he is called upon to pay. He cannot say, "Well, the option is "for me; therefore, I am going to pay or I am not going to pay." Therefore, that is the way that we use the word "please." You yourself know, Sir. You always say in a court, "Will the court be pleased to give a verdict in my favour?" And the Judge says, "Will the lawyer be pleased to enlighten me?" Then the lawyer cannot say, "I am not pleased to enlighten" and sit down.

These are words of courtesy. If the Government does not want words of courtesy, well, we may use different words. It is up to them. But we are not as discourteous as they are. This is the difference. Therefore, my submission is, this ruling is mandatory. On one aspect it is recommendatory, I admit. It is that when you will appoint a committee, when the committee will submit the report, it is not mandatory upon the Government to accept the report *in toto*. It may be accepted or may not be accepted. So far as that part is concerned, it is recommendatory. But so far as the question of a committee going into the matter is concerned, it is, in my respectful submission, absolutely mandatory, whether they accept the recommendation or not. Even in the mat-

ter of reports of commissions of inquiry, they are not binding upon the Government. It is always recommendatory. They may accept, they may not accept.

Sir, why I am saying this is because it is very important. If you say today that this type of committees are only recommendatory in nature, tremendous consequences will follow. May I point out, Sir, that the Committee on Scheduled Castes and Scheduled Tribes was not a Committee formed under any statute? It was an *ad hoc* committee. And would you permit a State Government tomorrow to say, "This is an *ad hoc* committee and this is a recommendatory committee and we are not going to co-operate?" May I point out to you, Sir, that the Railway Convention Committee is not a Committee under any Statute? This is an *ad hoc* Committee. Tomorrow, after your ruling, the Railway Board might say: Well, it is recommendatory. It is open for us to participate in this Committee or not because this is not a statutory Committee, this is not a Constitutional Committee. Therefore, we are not going to participate with it. Sir, should the House be led to such a position? Therefore, I submit that such type of interpretations will destroy the very functioning of this Parliament and, therefore, you must not accept it.

And so far as you are concerned, with all respect, I will say that we have sometimes carried a feeling that the Chairman is almost acting in the manner of an expression which has been used by another Member in connection with another House, when he said that the only function of the Presiding Officer of a House seems to be like that of a door-keeper of an arena of a bull fight, to get the bulls in before the fight and to get the bulls out when the fight is over. Sir, I hope this is not your job. Your job is not to call the House to order at 11 A.M. and to say at 1 O'clock that 'we adjourn for lunch' and disperse. You are to adjudicate on points you are to safeguard the rights and dignity

of the House. Therefore, this House calls upon you to constitute a Committee. With regard to the second part, what recourse they will take to the recommendations of the Committee, that is a different matter. Therefore I say that the possibility of a confrontation between the House and the Government is there. If the Government would have accepted one amendment time would not have been wasted. If the question of the price rise has not been discussed, if the 45th Amendment has not been discussed, the blame squarely lies upon the Government, because they do not know how to handle Parliament and parliamentary affairs. They have shown complete bankruptcy in their thinking and in their action. But we are helpless today—helpless in the sense that we had to withdraw our Motion and the House has passed a Motion and we are a party to that Motion. Unless the whole House agrees, as a party, we cannot take an isolated stand here. Three parties came together and they have passed a Motion. It will be a betrayal of the rights of the House if we unilaterally do that. In fact, Mr. Banerjee was complaining: you three parties cannot make a conspiracy of your own; that is something uncalled for. He is correct. The Motion has become the property of the House and, therefore, the House must get a Committee appointed. The Government, by a certain statement, cannot get away from the Motion. As I said, the possibility of a confrontation between the House and the Government is there. The possibility of a confrontation between you and the House is also there. And supposing tomorrow they refer it to the Supreme Court Chief Justice and the Supreme Court gives a finding and the House on its gives a finding on that particular matter differently, a confrontation between the Judiciary and Parliament also on this issue cannot be ruled out. It is not our intention that such a situation should arise. Therefore, I do agree with the suggestions given by the Leader of the Opposition, by our Leader, that you should form a

Committee. Alternatively, I would suggest for your consideration that if you feel that this immediate step of constitution of a Committee may create complications, you have a consultation with the Leader of the House, the Leader of the Opposition, the leaders of other parties today and now to see how to resolve this situation because the supremacy of the House must be maintained at all costs. We are not prepared to compromise with the supremacy of the House, but if all the leaders can come forward and formulate a formula by which the supremacy of the House is maintained and the issue can be tackled, we have got no objection to that. But any delay in this matter will undoubtedly come in the way of a settlement to a certain extent because the Members are so agitated. So far as our party is concerned, we are extremely eager to get the 45th Amendment passed. Therefore, I feel there should be no delay in this regard and you should handle the matter. But I would submit that we cannot be a party to compromise the position of the House. Therefore, I would appeal to the Leader of the House not to stand on prestige and honour the Resolution which the House has passed. But, if you feel that something in consultation with the leaders of the Opposition something can be evolved which may be acceptable to you, without going into a confrontation. I think, we will have no objection to that. I think what I have stated will find support from my leader. With these observations, I thank you for giving me this opportunity.

SHRI DNESH SINGH (Uttar Pradesh): Mr. Chairman, Sir, it is....

SHRI KALP NATH RAI: Sir,...

MR. CHAIRMAN: Do you mean that others should not speak? I have given opportunities to this side. This side must also be given an opportunity.

SHRI AMARPROSAD CHAKRABORTY (West Bengal): This side also must be given an opportunity, Sir.

SHRI DINESH SINGH: Mr. Chairman, Sir, it is rather strange that Hon. Mr. Bhupesh Gupta—he has gone out just now—tried to introduce a kind of comparison between the Chief Justice and this House. He said that a reference to the Chief Justice and not a reference to a committee, would in some way either limit the powers of this House or denigrate this House. I do not think, that is a correct position at all. The Constitution has clearly defined the functions of both the Chief Justice and this House. We are a legislative body, and judicial functions devolve on the Chief Justice. If it was the intention of the framers of the Constitution that Parliament was the supreme judicial body in the country, then that would have been mentioned. That not being so, whatever we do here is still subject to judicial review, and, therefore, I would beg...

SHRI DEVENDRA NATH DWIVEDI (Uttar Pradesh): Not everything; only certain laws.

SHRI DINESH SINGH: Everything is subject to judicial review. They may hold that it is within the competence of Parliament. They may hold that it is within the competence of the House, but, otherwise, you can go to a court on any matter on a writ, and this is a fundamental right that we have all tried to preserve, and this is under the Constitution.

SHRI DEVENDRA NATH DWIVEDI: Your knowledge of law is indirectly proportional to your knowledge of diplomacy.

SHRI DINESH SINGH: I concede, the Hon. Member is a lawyer and I am not. I am only trying to preserve my right of a citizen to go to a court if the Hon. Member commits an injustice against me.

That apart, Sir, the real question is that there is a resolution. What is the spirit of the resolution? The spirit of the resolution is that this matter should be looked into. The resolution itself equates the judicial authority to that of the House when

it says that this matter be either referred to two commissions or to a committee of the House. It is the amendment which Mr. Bhupesh Gupta himself moved, which gave the option to the Government either to refer it to two commissions or to refer it to a committee of the House; it is not something with which the Government came forward. The amendment that the Congress Party had moved was to refer it to a Judge, not a commission.

SHRI MOHAMMAD YUNUS SALEEM (Andhra Pradesh): You did not accept that.

SHRI DINESH SINGH: If we did not accept it at a particular time, does it become bad to accept it now?

SHRI ANANT PRASAD SHARMA: That Shri Dinesh Goswami has already said.

श्री पीलू मोदी: वह आपका हो या दरी है।

SHRI DINESH SINGH: I am not contradicting Mr. Goswami. I am only trying to develop my point, and I hope that in due course Mr. Sharma will agree to what I am saying only if he will kindly sit patiently and listen to me.

All that I am saying, Sir, is that the resolution was adopted by this House. I am not going into the authority of this House. I accept that this House and the other House are supreme, although I do not accept the contention of Hon. Shri Bhola Paswan Shastri that they are sovereign. Sovereignty in our country is with the people only. We are only elected by the people.

SHRI PILOO MODY: An instrument.

SHRI DINESH SINGH: If he would read the Constitution, he would find that it is the first point that has been mentioned therein.

SHRI BHOLA PASWAN SHASTRI:  
 Here the House is sovereign.

SHRI DINESH SINGH: It is a supreme body which has the authority to function within the Constitution that has been drawn up. And I would not go into that question because that is no longer relevant. The main issue is whether the Government has met the spirit of what has been the request by this House. And if we have met the spirit of what has been demanded, is it necessary now for you to say "Why did you not agree to it at a particular point of time?", or "Because you did not agree to it at a particular point of time, we shall not agree to it now"? This is not a kind of children's play that we should indulge in. It is a matter which is of the utmost importance. And I would beg of the House to give it consideration it deserves. (Interruptions). They should give the consideration that this statement of the Prime Minister deserves. After all, what has the Prime Minister said? He has said that if there are any specific issues relating to the time that he has been the Prime Minister, he will be very happy to hand over the matter to the Chief Justice. Now, to hand over the matter to the Chief Justice, I would submit, Sir, is in no way less than saying that there should be a commission, because what is the need of a commission? The Chief Justice will himself have the matter legally examined as he thinks best and we will not place any restrictions on what should be the procedure by which he will judge and decide how it should be looked into. I would, therefore, request my friends to consider this matter. It is not a question of legal technicalities. It is not a question of saying that since we have said that a committee should be appointed, it must be appointed, whether there is need for a committee or not. That is not the question.

SHRI N. G. RANGA: It is because of legal technicalities that the Prime

Minister took shelter behind the interpretation that it is only advisory and nothing more. Now, why do you dismiss that? If he had not taken shelter behind legal technicalities, he would have, as an honourable man, accepted the resolution. But he wanted to hide behind it. Now, you want us to dismiss it.

SHRI DINESH SINGH: I ask the senior professor—He and I have been together in several Houses at the same time; and he has had a long innings of parliamentary life—would he say that what is important is merely to set up a committee or that what is important is that this matter should be looked into? What will happen even if you, Sir, in your wisdom, decide to set up a committee? The committee may go into some of these points, if it is possible. Then what happens? You have again to take it to the judiciary. The committee cannot assign any punishment or decide anything. Therefore, what is being suggested is what even if a committee is appointed, would ultimately come to. Therefore, I would beg of the hon. Members not to go merely into the letter of the resolution but into the spirit of the resolution. They should see whether their point is being met or not. I entirely agree with my hon. friend, Mr. HarKishan Singh Surjeet when he says that whatever may be the delay, whatever may have been done—I do not necessarily agree that the course that we have adopted is not correct—we have arrived at a position where the Prime Minister has said that it should be referred to the Chief Justice, and that the House has a very important matter before it and that we should now come to end on this matter. Everybody should feel satisfied that the Government has nothing to hide and that the Government is willing to have the matter looked into by the highest judicial authority in this country. And if it is a matter that we should have a judicial examination ...

(Interruptions)

SHRI PILOO MODY: Let him finish. (*Interruptions*).

MR. CHAIRMAN: If you are quiet everybody will be able to hear. But you are not quiet.

SHRI ANANT PRASAD SHARMA: We cannot agree with Mr. Harkishan Singh Surjeet.

MR. CHAIRMAN: Whatever it is, why not hear him?

SHRI DINESH SINGH: If what I was saying is uncomfortable to the Members on the other side.

SHRI ANANT PRASAD SHARMA: No.

PROF. D. P. CHATTOPADHYAYA (West Bengal): Not at all.

SHRI DINESH SINGH: I did not realise that it was so uncomfortable to them. I thought that what I was saying was their own wish.

SHRI KALP NATH RAI: I am asking one question: Is he speaking on behalf of Chaudhury Charan Singh or Morarji Desai?

SHRI DINESH SINGH: All that I would wish hon. Members to consider is this: Is their request for a judicial enquiry into the specific charges that they may wish to make being met or not? If there is a desire that this should be done, I think the Prime Minister's statement has amply clarified the position. If it is their desire that we should only make political capital out of it, then we can sit and discuss this matter endlessly. But that will not solve any problem. That will only confirm the point that they are not interested in any kind of serious judicial review of any matter but that they mainly want to give political colour to the things that were done in the past. This will not help them or the process that we are trying to develop. Thank you very much.

SHRI B. N. BANERJEE: Sir, I want to ask one question.

MR. CHAIRMAN: Now, Mr. Mukherjee.

SHRI B. N. BANERJEE: Sir, I want to ask for one clarification.

MR. CHAIRMAN: No, it is not necessary. This is not Question Hour.

SHRI B. N. BANERJEE: Just give me half a minute.

MR. CHAIRMAN: No. You have already said what you wanted to say, and he has said what he had to say. There is no need for any questions.

SHRI PRANAB MUKHERJEE: Mr. Chairman, I was listening to the observations of the CPI(M) leader and Mr. Dinesh Singh and both of them find much commonality in their approach and they are trying to pose the question that certain important issues are being delayed because of certain lapses on our part. I would like to put the record straight. There is no question on our part to delay important issues on which we are equally interested. A motion duly admitted by you was passed on the 10th. On the 11th from the newspaper reports we found that the Leader of the House came to the conclusion that it was recommendatory. And this decision of the Government which they had arrived at on the 11th, they were formally communicating to you after you gave your observation on the 17th, that is, after seven days. On the 17th they were communicating to you a decision which they had arrived at on the 11th itself. Now who is responsible for the delay? Opposition or Government? Therefore, if the honourable Member from the Communist Party of India (Marxist) finds himself uncomfortable that important issues like the 45th Amendment Bill are not being taken up, should he not put this question to the Treasury Benches, "Why did you take so much time in communicating formally to the Chair or to the House the decision which you had already arrived at on the 11th when the motion was adopted?" Have they said anything new? Today

the Prime Minister has repeated the same thing which the Leader of the House already communicated to the Press as his reaction to the passage of the motion. Therefore, the responsibility lies with the Government; it does not lie with us. Why are we raising this issue again and again?

**SHRI PILOO MODY:** Because it is politics.

**SHRI PRANAB MUKHERJEE:** No other issue can be taken up because of the arrogance of the Government and this House has been reduced to be of no consequence. When the majority decision is flouted, as a result of that majority decision when the motion becomes the property of the House—it becomes the motion of the whole House, the decision of the whole House—if the Government does not feel that it should comply with the majority will, the will of the House as a whole, and if they expect that we will give our seal of approval to the various proposals which they are bringing, then, I am afraid, the Government is expecting too much from this House. Therefore, it is not a question that we are adopting dilatory tactics or that we are harping on some issues which are not real. This is an issue on which rests the very basis of functioning of this House. When we pass a resolution, whatever be the interpretation, it is the desire of Rajya Sabha, and as soon as it is adopted by Rajya Sabha, it becomes incumbent upon all Members of Rajya Sabha including the Chairman who is not a Member but is the custodian of the House, to see that the will of Rajya Sabha is translated into action. But that has not been done. On other occasions I tried to emphasise this point and tried to impress upon the Chair, the point which has been debated today. And, Sir, I would reiterate that it was incumbent upon the Chair to have constituted the Committee. If the Committee is constituted, then the Commission of Inquiry, the second of the two recommendations, is left to the Government. But I do not know how

the Chairman came to the conclusion that first he would have to take the reaction of the Government into account...

**SHRI PILOO MODY:** Correctly.

**SHRI PRANAB MUKHERJEE:**.... and, thereafter, would take a decision. Mr. Mody, I am not prepared to modify my stand. What I said earlier stands, does stand, even today.

**SHRI PILOO MODY:** Correctly.

**SHRI PRANAB MUKHERJEE:** Which is correct?

**SHRI PILOO MODY:** All the things: the opinion of the Chair and your obstinacy.

**SHRI DEVENDRA NATH DWIVEDI:** Sir, Mr. Mody must modify himself.

**SHRI PRANAB MUKHERJEE:** I think it is high time now for him to modify himself.

We, therefore, try to impress upon the Chair that it is incumbent upon the Chairman to constitute the Committee and I would say that today they have gone one step further. They are referring the matter to the Chief Justice of India. Then, why not a Judge be appointed under the Commissions of Inquiry Act? And, Sir, we are prepared to accept it. We are prepared to accept the suggestion of the Prime Minister if he just modifies or amends his proposal to the effect that the Judge to whom the matter will be referred will constitute the Commission under the Commissions of Inquiry Act and even if he wants that all the allegations which have been made should be put in writing, supported by affidavits, we are prepared to do so. Let him constitute the Committee; let him constitute the Commission of Inquiry; and let a Judge be appointed as the Commission under the Commissions of Inquiry Act and the allegations which

[Shri Pranab Mukherjee]

have been made will be placed before that Inquiry Commission, according to the law and the procedure prescribed in the Commissions of Inquiry Act. But nothing like that. But they have just come forward, after 14 days, to say this and to divert the issues and to treat the House as if of no consequence and, at the same time, plead that the precious time of the House is being wasted. What is the sanctity of the House? What is the value of this House? What is the value of the House if the majority decision of the House the Government does not consider even after 14 days, if the Government does not consider it worth accepting? And the Chairman is still not in a position to clear the whole issue which has been highlighted almost every day, that is, first to constitute the Committee, which he is otherwise bound to do and which reflects the will of the House. The Government is taking a particular posture and the Chairman is not making clear his position and I do not know what the House is to do now. Therefore, you have reduced this House to insignificance and you are expecting that the precious time of the House, which has been reduced to insignificance, which is of no consequence, should not be wasted, and you are asking why the Constitution (Amendment) Bill should not be taken up and why the price rise and other issues should not be taken up. First, give the prestige to the House which is due to it and honour the Commitment of the House. We are committed to it; even Mr. Piloo Mody is committed to it—he might have voted against it—and each and every Member of the House is committed to it. Sir, the Leader of the House is committed to it. You are giving up the commitment and you are expecting the House to do something else. Therefore, Sir, I can assure the honourable CPM Member that it is not our intention not to pass the Forty-fifth Amendment Bill. We have certain

views and we will express our views when the occasion arises. It is not that we want to delay, that we want to postpone, the consideration of these things and it is not that we want that our views alone should be considered. We say, at the same time, that the position of the House should be clarified. Let the position of the House be clarified. Where do we stand? Have we any say? Are we of any significance? Has this House any relevance so far as the Government is concerned? Let that be decided first and unless that issue is decided, unless the first issue is taken up first, all others, I think, become irrelevant so far as we are concerned. Unless we clearly know as to where we stand and what the significance of the House is or what the relevance of this House is, all the other issues become irrelevant.

SHRI SUNDER SINGH BHANDARI (Uttar Pradesh): You are forcing the Chairman to give a ruling here itself?

SHRI PRANAB MUKHERJEE: There was no ruling.

SHRI N. K. P. SALVE (Maharashtra): Sir, will you afford me an opportunity? I am the Mover of the Motion and I crave your indulgence, Sir.

MR. CHAIRMAN: Therefore, you will be the last person.

SHRI N. K. P. SALVE: Last person?

MR. CHAIRMAN: Yes, naturally. If you are the Mover of the Motion, then, naturally, you will get the last chance. Yes, Mr. Kulkarni.

SHRI BUDDHA PRIYA MAURYA: Sir, I am the first person to speak.

DR. BHAI MAHAVIR (Madhya Pradesh): Sir, is my name there in the list or not?



SHRI N. K. P. SALVE: Sir, I must also get a chance.

SHRIMATI MARGARET ALVA (Karnataka): Sir, I must also be given a chance.

SHRI N. K. P. SALVE: Sir, I crave your indulgence. Just half-a-minute only. I want to raise some basic issues.

MR. CHAIRMAN: I am saying that you would be given a chance. There are some friends who are pressing and I am giving them the chance now. Yes, Mr. Kulkarni.

DR. BHAI MAHAVIR: Sir, I think my name is also there in the list.

SHRI AMAR PROSAD CHAKRABORTY: Sir, I must also be given a chance.

MR. CHAIRMAN: Yes, you can also speak. Yes, Mr. Kulkarni.

SHRI N. K. P. SALVE: Sir, I crave your indulgence for a few seconds. I want to raise some basic.... (Interruptions)

MR. CHAIRMAN: You can take time later. I am saying that you will be given time. There are some friends who are pressing for a few minutes. Yes, Mr. Kulkarni.... (Interruptions)

SHRI ARVIND GANESH KULKARNI: May I submit to you, Sir, and through you to the Government some aspects of the problem under discussions which we are having today? The leader of my party has already expressed the opinion. I request this House not to be emotionally carried away or politically motivated in objectively assessing the issue before the House. Sir, I place before you two issues. One is the Second Lok Sabha Debate wherein the late Shri Feroze Gandhi raised a debate on the Mundhra affair as it was called or the investments in the LIG. Sir, I do not want to quote extensively from this, because I do not want to take more time. But, Sir, the first statement itself started with a very specific question and allegation

from Shri Feroze Gandhi. I quote. He stated:

"Mr. Speaker, Sir, there is going to be some trouble when I am hitting in the House today, because when I hit, I hit hard and expect to be harder. I am fully conscious of the charges made...."

Sir, this is the first sentence. I do not want to quote more, because that has got nothing to do with today's debate. Then there is the reply given by the late Pt. Pant and Pt. Jawaharlal Nehru. In this debate, Mr. Ranga's name also appears.

AN HON. MEMBER: He has forgotten. Don't remind him of the past... (Interruptions)

SHRI ARVIND GANESH KULKARNI: These stalwarts of Indian politics were very sensitive to the allegations levelled in Parliament as well as to uplift the democratic traditions in the country. I am very sorry to say, Sir, that the Janata Government and the Janata Party are lacking in political maturity sensitivity... (Interruptions) They have brought us down to such a stage, and brought this House, political parties and yourself—we value this Chair, whoever sits in this Chair into difficulty due to lack of sensitiveness to take proper action. They are coming down step by step. Is this political maturity, political intuition? Sir, whatever differences I might have with the Congress(I), we must admit that Shrimati Indira Gandhi had horse sense in political matters. I know many instances when as a member of that group Mr. Krishna Karti, Mohan Dharla and myself, who were attacking some Ministers, on corruption, Shrimati Indira Gandhi assured this House that she will be enquiring into, and enquiries were made and we were also informed, taken into confidence. This is the way in which political maturity has to be shown. I may have differences with Shrimati Indira Gandhi about authoritarianism and what she might have done during the emergency, but we must admit

[Shri Arvind Ganesh Kulkarni]

that she has the horse sense and political astuteness that is worth considering by all those people sitting on treasury benches. Some of them were also previously Congress people—Shri Biju Patnaik or anybody.... (Interruptions) I said, some of them: I never meant you.

AN HON. MEMBER: You are not capable.

SHRI ARVIND GANESH KULKARNI: For Heaven's sake ... (Interruptions)

Sir, I do not want to waste the time of the House. I am making my point. What I am thinking is that this is the position to which we have to address to find a favourable solution. Sir, I would plead with my friends on this side, with my colleagues here and even with Mr. Bhupesh Gupta to help Chair in this connection. I do not claim to be a barrister. I do not claim to be an advocate. I am an ordinary science graduate having some pragmatism and common sense.

THE MINISTER OF STEEL AND MINES: And horse sense.

SHRI ARVIND GANESH KULKARNI: May be horse sense also. How does this Resolution read? I agree with Mr. Banerjee. Mr. Bhupesh Gupta has not drafted the Resolution properly or he has kept a catch deliberately whereby the situation can be diffused. He is very clever. I do not know what the reason is. I quote the Resolution which says:

"It is likely to bring not only the persons of high public standing to avoidable disrepute but also cause irreparable damage to the very credibility of public life in the country and, therefore, calls upon Government to seek forth with guidance and advice from a committee comprising of fifteen Members of this House to be appointed."

Sir, you come after this situation is there. First, the Government has to attach horses to the Cart and then you have to guide. They have already washed their hands.

SHRI BIJU PATNAIK: The horses have already run away.

SHRI ARVIND GANESH KULKARNI: The horses have already run away. I would submit to you again humbly that please do not get provoked by this. After all, the position of the Chairman has to be up held and his decision are for thousands of years to be quoted by future parliamentarians. You have got a great responsibility in interpreting this Resolution very carefully, very objectively and with due respect to the feeling of the House.

Then, Sir, I also tell Mr. Shanti Bhushan who is sitting here because the Leader of the House is not here, that the Prime Minister's statement says that it will be referred to the Chief Justice. Why is this so? Suppose they say that let us accept the challenge of the Government and Mr. Salve is what you call, brave enough to make the allegations in writing to the Government and if the Chief Justice is to be involved, then where is the appeal against it? Then it will become *fait accompli*. So, I would request you to change the wording. Sir, there are instances such as the cases of Mr. Krishnamachari and Shri Lal Bahadur Shastri. Sir, I do not know whether in the case of Mr. Biju Patnaik it was a retired High Court Judge who was consulted.

SHRI BIJU PATNAIK: I do not deal with retired people.

SHRI ARVIND GANESH KULKARNI: The same thing should be done. Sir, I have pleaded my ignorance that I am not a lawyer, nor am I a barrister. Lastly, I would request my friends here, the Leader of the Opposition, my leader, Mr. Gupta and many others like my friend, Mr.

Surjit Singh, who is very much interested in the 45th Amendment. We are also interested.

Sir, a way has to be hammered out. We have said that this House has got its own prestige and we cannot deny that. I cannot interpret whether the Chair is involved or not. Then, what to do, Sir? All right, we have made a mistake or we have passed a wrong Resolution. Leave aside those things. We are more interested in the business before the House. Sir, umpteen number of times I have said that the people are frustrated and they do not know where the democracy is going. Somebody comes and makes a statement. Mr. C. B. Gupta makes a statement. Mr. Charan Singh makes a statement. And Mr. Madhu Limaye makes a statement in between. What is all this?

SHRI ANANT PRASAD SHARMA: JP makes a statement.

SHRI ARVIND GANESH KULKARNI: I do not know what JP said. Sir, the common man in this country is really perplexed. Sir, I have a read a letter recently in the 'Sunday' magazine from a reader. I wanted to quote it yesterday. He says, "after seeing the performance of the Government for the last 19 months, I think, only Mrs. Indira Gandhi can rule this country and nobody else." If you have come to that pass, God help us and the country because I am totally against the authoritarian regime. Therefore, Sir, I would request you and the Government to consider what Mr. Dinesh Goswami has suggested. Let us sit together. Let us have that 15-Member Committee unofficially. Let us give them the charges and say, "These are the charges. You refer them to the Chief Justice or to a court or whatever it is", and a way can be found, a channel can be found so that the water can flow and we can work from Monday on the routine.

श्री बुद्ध प्रिय मौर्य : सभापति जी, डा०

राधा कृष्णन, डा० जाकिर हुसैन...

SHRI NARASINGHA PRASAD NANDA (Orissa): Sir, Kindly allow me to express my point of view.

MR. CHAIRMAN: Wait. You can also speak.

SHRI SUNDER SINGH BHANDARI: Sir, you call from this side also. Let there be a complete round.

MR. CHAIRMAN: You will also get an opportunity.

श्री बुद्ध प्रिय मौर्य : माननीय सभापति जी, डा० राधा कृष्णन, डा० जाकिर हुसैन और माननीय वी० वी० गिरी जी जैसे महानुभावों ने उस आसन पर बैठे कर इस सदन की मर्यादा को कायम रखा है। मेरा विश्वास है कि आप भी इस सदन की मर्यादा को उस भान्ति रखेंगे जिस भान्ति इन तीनों महानुभावों ने रखा। क्योंकि आज सवाल केवल भ्रष्टाचार का नहीं है, अब प्रश्न इस बात पर आ गया है कि जो प्रस्ताव इस सदन में बहुमत से पारित हो गया क्या उसको यह सरकार अबहेलना कर सकती है। श्रीमन जहाँ तक इस सदन की सुप्रिमेसी का प्रश्न है एक ऐसी व्यवस्था भी हो सकती है जो कि आज भी है कि विरोधी दल बहुमत में हो और सत्ताधारी दल बहुमत में न रहे। आज ऐसी व्यवस्था है और फिर ऐसी भी व्यवस्था हो सकती है जो कि आज नहीं है। कोई भी बिल इस सदन में गिरा दिया जाए जो लोक सभा से पारित हो कर आए। तो उसको पास करने का एक ही तरीका रह जाएगा कि ज्वाइंट सेशन बैठायी जाए।

ऐसी भी व्यवस्था हो सकती है कि इस सदन में विरोधी दलों का बहुमत इतना प्रचंड हो और ज्वाइंट सेशन में भी विरोधी दल मिल कर ज्यादा तादाद में बैठें उस समय इस सदन की महानता और भी ज्यादा बढ़ जाएगी। इस सदन का तिरस्कार करके कोई सरकार आसानी से नहीं चल सकती श्रीमन, सिर्फ शब्दों का हेर-फेर है। मैं बराबर एक बात कर रहा हूँ कि सरकार के मन में

[श्री बुद्ध प्रिय मौर्य]

खोट है। सरकार के मन में खोट पहले से ही रहा। यह खोट मैं इसलिए कहता हूँ कि पत्रों की सदन के पटल पर नहीं रखा गया ऐसे पत्र जिनमें निराधार या आधार आरोप लगे थे। यह तो प्रधान मंत्री और भूतपूर्व गृह मंत्री जानें लेकिन आरोप लगाया था, प्रत्यारोप लगाया था। सदन के पटल पर नहीं रखे गये, सीक्रेसी की बात की गयी। प्रविलेज डॉक्यूमेंट की बात कही गयी और फिर उही पत्रों में से चार पत्र माननीय प्रधान मंत्री जी ने सदन के पटल पर रखे। मैं कहना यह चाहता हूँ कि सी० पी० एम० के दल के नेता ने यहां पर यह कहा था कि यहां पर समय को खराब कर रहे हैं, या सदन की गरिमा को गिरा रहे हैं या हम और जो सदन में आने वाली कार्यवाही है उसके प्रति जागरूक नहीं है। नहीं हम उनके प्रति ज्यादा जागरूक हैं हम जनतंत्र में उनसे ज्यादा विश्वास रखते हैं यह हमारा (Interruptions) बताता है, हमारा माजी बताता है कि हम सी० पी० एम० से ज्यादा जनतंत्र में विश्वास रखते हैं।

एक पुलिस रिपोर्ट को लेकर लोकसभा को पूरे 25 दिन नहीं चलने दिया गया था तो आज हमको वह जनतंत्र का सबक न सिखाये। श्रीमन. में निवेदन यह कर रहा था कि पार्लियामेंट के तीन अंग हैं। आप मुझसे ज्यादा जानते हैं। पार्लियामेंट के तीन अंग हैं, राष्ट्रपति, प्रेजिडेंट आफ इंडिया, कार्जिसल आफ स्टेट, राज्य सभा और हाउस आफ दी पीपुल, लोकसभा। इन तीनों अंगों में से एक अंग यह है, और आपका तो एक विशेष स्थान है। आप केवल हमारे ही जरिये जहाँ चुने गये व्यक्ति लोक सभा के सदस्यों के जरिये भी आप चुने गये। एक तरह से लोकसभा और राज्य सभा को पूरा ताकत आपमें आ जाता है इसलिए संविधान में यह कहा गया है :

"The Council of Ministers shall be collectively responsible to the House of the People."

यह संविधान में व्यवस्था है। मैं इस बात को श्रीमन इसलिए ला रहा हूँ कि आप लोकसभा की भी शक्ति के प्रतीक हैं क्योंकि लोकसभा के सदस्यों ने आपको चुनने में अपना मत दिया है। मैं इस विषय को बार-बार लाने की कोशिश नहीं करूंगा, मैं इससे आगे बढ़कर यह कहना चाहूंगा कि पहला तो प्रधान मंत्री उनकी सरकार और उनका दल इस सदन की अवहेलना पहले से ही करते रहे हैं। उन्होंने पत्रों को सदन के पटल पर नहीं रखा परन्तु जब ज्यादा खींचातानी हुई उन्होंने के दल के लोगों में तब चार पत्रों को रखा, अगर सीक्रेसी की बात थी तो तमाम पत्रों के लिए थी अगर सीक्रेसी की बात नहीं थी तो तमाम पत्रों के लिए नहीं थी। चार को रखा और बकाया को नहीं रखा। अगर सदन के पटल पर वे पत्र आ जाते जिसका कि जिफ्र इस रिजाल्यूशन में किया गया है, उस रिजाल्यूशन पर श्रीमन मैं बाद में आऊंगा-तो शायद इतनी बात आगे नहीं बढ़ती। लेकिन जितनी की गयी नहीं रखे गये और उसके बाद श्रीमन मैं याद दिलाना चाहता हूँ-सदन के नेता नहीं हैं-सदन के नेता यहां पर होते-उनकी कथनी और करनी में बार बार अंतर रहा है, वे कहते रहे कि वे सदन के हाथ में हैं, आपके हाथ में हैं लेकिन सदन का निराधार हमेशा इस समस्या पर अपमान करते रहे। दो प्रस्ताव सदन में आये। एक प्रस्ताव था कि जो पत्र व्यवहार माननीय प्रधान मंत्री और भूतपूर्व गृह मंत्री के बीच में हुआ है उसको सदन के पटल पर रखा जाए। यह मेरा प्रस्ताव था, यह माननीय सदस्य द्विवेदी का प्रस्ताव था, यह माननीय सदस्य मकवाना का प्रस्ताव था और दूसरा प्रस्ताव यहां पर बाद में लावे जा और अन्य दूसरे साथियों का था जिसमें कि कामीशन की बात थी जिसमें कि उसका संगोष्ठा होकर कमेट्री की बात भी भूपेश गुप्त के जरिये इस सदन में आ गयी। मैं इस बात को इसलिए कह रहा हूँ कि सरकार का पहले से यह बन्देनशन था, यह इशारा था कि वह पत्रव्यवहार के उस मोशन को न आने दे, उन्होंने इसको स्वीकारा।

श्रीमन, सरकार ने पहले से ही इस मोशन को इसलिए स्वीकारा था कि वाद में इस मोशन के बारे में वह कह सकेंगे कि इसकी भाषा में खराबी है। मैं श्रीमन, यह जानना चाहता हूँ कि मान लीजिए भाषा के उलट फेर की बात थी, बनर्जी साहब जो यहां के सेक्रेटरी जनरल रह चुके हैं, उनका बहुत बड़ा तजुर्बा रहा है। गोरों की भाषा पर मुझे ज्यादा अधिकार नहीं है लेकिन मैं कानून पढ़ता और पढ़ाता रहा हूँ। वेंसन की ध्योरी मैंने पढ़ी भी है और पढ़ाई भी है। मैं निश्चय-पूर्वक यह पूछना चाहूंगा। मान लीजिए कि भाषा इस तरह की होती कि सरकार को आदेश दे रही होती तो क्या सरकार मानती? यहां कानून मंत्री मौजूद हैं, मैं सत्ताधारी दल से जानना चाहूंगा कि भाषा की आड़ में, पदों में न जाइये, भाषा के पदों को हटा दीजिए। मान लीजिए निश्चय पूर्वक यह प्रस्ताव सरकार को खुलकर आदेश देता तो सरकार मानती या नहीं मानती।

**एक माननीय सदस्य:** नहीं मानती।

**श्री बुद्ध त्रिप मोय :** मेरा ऐसा पूरा विश्वास है कि सरकार नहीं मानती और सरकार यही कहती कि हम तो काउंसिल आफ मिनिस्टर, हाऊस आफ दी पीपुल के सामने ही जवाबदेह हैं, राज्य सभा के सामने जवाब देह नहीं हैं। अराल में यह भाषा तो बेकार में बीच में डाली जा रही है। अभी श्री कुलकर्णी जी कह रहे थे कि इसमें गलती हो गई। यह प्रस्ताव बहुत शक्तिशाली है। इसमें गलती नहीं हुई है। मैं उम पार्सेन को पढ़ूंगा जिस पर कि कुलकर्णी जी ने अपनी विश्वास दिये।

"...calls upon Government to seek forthwith the guidance and advice from a committee comprising of 15 Members of this House to be appointed by the Chairman."

श्रीमन, जहां तक सरकार का सवाल है, सरकार

तो वाद में आई। सरकार तो है ही नहीं। सरकार से तो आपने अपनी मान्यता को ध्यान रखते हुए, सदन की परम्परा का ध्यान रखते हुए सत्ताधारी दल से यह जानना चाहा कि आप कमीशन आफ एन्क्वायरी विठायेंगे या कमेटी की नियुक्ति मैं कर दूँ आपने यह उनसे जानना चाहा। सरकार कमीशन आफ एन्क्वायरी विठाने के लिये तैयार नहीं है। तब फिर जहां तक पन्द्रह सदस्यों की कमेटी के निर्माण का प्रश्न है वह एक तरह से श्रीमन आपके ऊपर यह सदन का विश्वास रखते हुए वाईडिंग है कि आपको वह बनाना पड़ेगा। यहां कुलकर्णी जी कम्प्यूजन कर रहे थे। मैंने इसी वजह से बात कही। श्रीमन, प्रधान मंत्री ने जो आज वयान दिया इसकी चर्चा पहले भी अखबारों में निकली है। यह दो दिनों से आ रही है। मैं एक बात कहना चाहूंगा कि यह जो जज नियुक्त करने की बात प्रधान मंत्री ने कही है, इस जज का कानूनी मान्यता क्या होगी? अगर कानूनी मान्यता कुछ नहीं होगी तब फिर वह देख कैसे सकेगा। जिन पत्रों पर इस सदन के माननीय सदस्यों का हाथ नहीं पहुंच पाया, जिन पत्रों पर इस सदन के हाथ नहीं पहुंच पाये, उन पत्रों पर वह जांच का हाथ कैसे पहुंच जायगा और जब तक उन पत्रों की जानकारी न हो, जब तक पूरा मसौदा न हो, जब तक लिंक फाइल्स न हों क्योंकि माननीय भूतपूर्व गृह मंत्री ने दो शब्द इस्तेमाल किये "On the basis of information and report." जो शब्द उन्होंने रिपोर्ट में इस्तेमाल किया है, हो सकता है कि सी० बी० आई० की रिपोर्ट हो, हो सकता है कि विजिलेंस की हो। तो जो लिंक फाइल्स है, क्या उन पर जज का हाथ पहुंचेगा। क्या पत्र-व्यवहार जिस पर आरोप प्रत्यारोप लगाए हैं उन पर जज का हाथ पहुंचेगा और नहीं पहुंचेगा तो फिर य इन्ना किस बात के लिये।

[श्री बुद्ध प्रिय मोर्य]

मेरा दूसरा निवेदन यह है कि क्या माननीय प्रधान मंत्री जी ने मन में ठान ली है कि जो भी सदन में भावना होगी उसकी अवहेलना करेंगे। सिर्फ फर्क इतना है कि उसको कानूनी जामा पहना दिया जाए, या नहीं। कानूनी जामा के बारे में हमारे साथी श्री प्रणव मुखर्जी जी ने रखा कि कमीशन आफ एन्क्वायरी एक्ट के अन्दर बिठा दिया जाए। हम लोगों को कोई इतराज नहीं। प्राइमा फैसाई का जहां तक सवाल है, मैं पहले से ही इस विचार का रहा हूं कि कमीशन आफ एन्क्वायरी के लिये प्राइमा फैसाई केस जरूरी नहीं, बल्कि कमीशन आफ एन्क्वायरी की इम्पार्शल एन्क्वायरी के रास्ते में बाधा है। प्राइमा फैसाई केस अगर है, तो कमीशन आफ एन्क्वायरी की जरूरत नहीं है। फैंक्ट फाईंडिंग बाडी की जरूरत नहीं है, सीधे-सीधे प्रोसिक्यूशन के लिये अदालत में चला जाना चाहिये। कमीशन आफ एन्क्वायरी के अन्तर्गत कमीशन आफ एन्क्वायरी की भावना का, इम्पार्शल एन्क्वायरी का तभी सम्मान होगा जब कमीशन आफ एन्क्वायरी बिल्कुल कोरी पट्टी पर वह फैंक्ट फाईंडिंग बाडी लिखेगी और ऐसा हुआ भी है। बहुत से कमीशन आफ एन्क्वायरी चल रहे हैं, हम लोगों की पार्टियों के दल के नेता और पार्टियों के कार्यकर्ताओं के खिलाफ, भूतपूर्व मुख्यमंत्री के खिलाफ चल रहे हैं। उसके खिलाफ हमें यहां पर कुछ नहीं कहना है। लेकिन मैं निश्चयपूर्वक कहना चाहता हूं कि आज प्राइमा फैसाई की बात कहां से आ गई। आज के प्रधान मंत्री जिनके नेतृत्व में दर्जनों कमीशन बैठ गये उस वक्त प्राइमा फैसाई की बात उनके सामने नहीं आई। जब उनके बेटे का प्रश्न उठता है जब प्राइमा फैसाई की बात आ जाती है। यह बड़े ताज्जुब और अफसोस की बात है। श्रीमन, मैं निवेदन करना चाहूंगा कि अब ज्यादा देर नहीं करनी चाहिये। आपकी तरफ सब की निगाहें लगी हुई हैं। आप जहां इस सदन के अध्यक्ष हैं, इस सभा के

सभापति हैं वहां इस राष्ट्र के 65 करोड़ की आबादी जो दुनिया का सबसे बड़ा जनतंत्र है, उस के आप राष्ट्रपति हैं, वाइस प्रेसीडेंट हैं, उस नाते से भी मैं आप से प्रार्थना करूंगा, चाहे आरोपों में जितना भी दम है या नहीं है, आज पूरा देश यह चाहता है कि उन के बारे में जांच पड़ताल होनी चाहिए और अगर इस के रास्ते में आपने रुकावट डाल दी, इस में कहीं किसी तरह से आप भटक गए तो - जैसा इतिहास में आज डा० राधाकृष्णन का नाम महान मानवों में आता है, जिस तरह डा० जाकिर हुसैन का नाम महान मानवों में आता है - कहीं ऐसा न हो आप के बारे में कोई संदेह भविष्य में हो जाए। इसलिए परम्परा को निभाते हुए, मेरा ऐसा विश्वास है : मौत सब के जीवन में आती है, फिर डरना क्या, यह सरकार जो बिल्कुल एक मामूली चीज है, सत्य के लिए नहीं डरना चाहिए, और इसलिए मैं आपसे मांग करता हूं कि निर्भीक होकर आप कमेटी का निर्माण करें और उसकी क्या सिफारिशें होंगी, सरकार क्या मानती है क्या नहीं मानती उसका फैसला हो जायगा।

MR. CHAIRMAN: Yes, Mr. Bhai Mahavir.

SHRI KALP NATH RAI: Sir,.....

MR. CHAIRMAN: You will be the last speaker.

डा० भाई महावीर : सभापति जी, जिस विषय पर चर्चा करने के लिए आज फिर यह मौका उपस्थित किया गया है इस विषय पर लगभग यह सारा ही सत्र खर्च कर दिया गया। इस सत्र के शुरू से कुछ सवाल लेकर, चिट्ठियों को लेकर, चिट्ठियों के अन्दर जो आरोप बताए जाते थे उन को लेकर हमारे माननीय सदस्यों ने उधर से हर रोज बिना-नागा यह सवाल खड़ा किया, हंगामे पैदा किए और कई बार इस सदन के बहुत महत्वपूर्ण कार्यों को चलने नहीं दिया। मैं समझ सकता हूं कि वे इस बारे में बहुत मजबूती से कुछ महसूस करते थे और इस

वास्ते उन्होंने इस सवाल को छोड़ना अपने हित में नहीं माना। आज महोदय, सरकार ने उस सारे सवाल को खत्म करने के लिए प्रधान मंत्री की ओर से एक वक्तव्य के रूप में एक सुझाव हमारे सामने रखा, उस सुझाव के बाद फिर से यह चर्चा शुरू हो गयी है कि यह फैसला ठीक हो रहा है कि नहीं। बहुत सारी बात इस में लायी गयी। कुछ बातें तो प्रस्ताव के कानूनी पहलू की हैं, जैसा हमारे मित्र श्री बैनर्जी ने और कुछ और दोस्तों ने वकालत के नुक्ते-नजर से अपनी बातें रखीं और कुछ बातें इस दृष्टिकोण से आगे जा कर सदन की गरिमा, सदन के गौरव, लोकतंत्र की मर्यादा, इस देश में कहां तक सावरेनिटी है, कहां तक गार्व-भीमिकता है आदि इन सारे सवालों का बीच में लाया गया। उधर के साथियों ने जितने आग्रह से, जितने उत्साह से, लगन से, सदन की गरिमा और मर्यादा की दुहाई दी, मैं सोच रहा था कि शैतान ने कभी शास्त्रों की दुहाई इतनी नहीं दी होगी। मैं हैरान होता रहा, हमारे यहां सदन और पार्लियामेंट की गरिमा की जब बातें कही जाती रहीं, और हमारे मित्र भूपेश गुप्त जी कहते गए "this will be the blackest day,"

कि तो मैं हैरान हूं आज सोच कर कि वह दिन कैसा सुनहरा दिन था, वह कैसा नजारा था जब पार्लियामेंट के अनेक सदस्य जेलों में बंद थे, बिना किसी कसूर के बिना किसी आरोप के.....

श्री कल्पनाथ राय : क्या दिन था वह ?

डा० भाई महावीर : आप से मुझे नहीं सीखना है, कल्पनाथ जी। आप से सीखने लग गया तो पता नहीं क्या बोलने लगूंगा। आप जरा शांत रहो। हमने आप की उद्दंडता बहुत सहन की है, आप थोड़ी तर्क की बात सुनिए। तो महोदय, ऐसा भी दिन था जब इस सदन के बहुत सारे सदस्यों को बिना आरोप के, बिना इल्जाम के, जेलों के

अन्दर बेकसूर डाल दिया गया था और बाकी जो विरोधी दल के सदस्य बचे थे उन के मुंह में ताला लगा कर ताकि वह बोल नहीं सकेंगे, पूछ नहीं सकेंगे प्रश्न का घंटा नह होगा और जो कुछ बोलेंगे भी प्रेस में छपेग नहीं वह दिन भूपेश गुप्त जी को काला दिन नजर नहीं आया। संसद के इतिहास में आज उन को काला दिन तब नजर आया जब प्रधान मंत्री ने आ कर अपनी ओर से एक प्रस्ताव रखा...

(Interruptions)

श्री कल्पनाथ राय : देश को बचाने के लिए या...

डा० भाई महावीर : आप के गले में बड़ी ताकत है, उस को संभाल कर रखिए। मैं जानता हूं आपके गले की ताकत को...

(Interruptions)

MR. CHAIRMAN: The point is, if you want to reply him, then you will never finish your speech.

DR. BHAI MAHAVIR: I do not want to reply to him, but please ask him to restrain himself for some minutes.

MR. CHAIRMAN: One more point. He is also to speak. If he wants others to keep silent, he should himself keep silent first.

DR. BHAI MAHAVIR: He is incapable of understanding what I have said.

श्री कल्पनाथ राय : यह विषय पर बोलें। यह मोरारजी देसाई और चौधरी चरण सिंह के भ्रष्टाचार पर बोलें। यह जनता सरकार के भ्रष्टाचार पर बोलें।

डा० भाई महावीर : सदन की मर्यादा की बात, गरिमा की बात करते हैं, इस वास्ते और कोई लोग कहने नो मैं समझ सकता था, लेकिन जब वे लोग कहने हैं जिन्होंने

[डा० भाई महावीर]

उस समय जेल में डाले हुए लोगों को वहीं रखना चाहिए, उन को थोड़ा भी हक नहीं देना चाहिए कि वे अदालत में जा कर पूछ सकें कि उन के ऊपर क्या आरोप हैं, ऐसे निजाम को जिन्होंने कायम रखा इस देश के अन्दर, जो अन्धकार का वह युग लाये, वे लोग ही आज के युग को अन्धकार का युग कहते हैं, तो मुझे उन की बुद्धि पर आश्चर्य होता है।

श्री कल्पनाथ राय : हमारी वजह से ही आप यहां आये हैं।

डा० भाई महावीर : महोदय, मैं इस सवाल पर खाली कानूनी नजर से ही नहीं जाना चाहता। मेरा निवेदन यह है कि यहां पर बार-बार कहा गया कि यह भ्रष्टाचार का सवाल है। अगर भ्रष्टाचार का सवाल है तो मैं अपने साथियों को विश्वास दिलाना चाहता हूँ कि इधर का कोई भी सदस्य भ्रष्टाचार को दूर करने के सवाल पर उनसे पीछे नहीं रहेगा। हम उन से चार कदम आगे ही चलेंगे और जब मैं यह कहता हूँ तो मैं इस सरकार के सदस्यों के, प्रधान मंत्री से लेकर पार्टी के हर एक सदस्य के बारे में जिम्मेदारी के साथ कह रहा हूँ। भ्रष्टाचार की बात महोदय, इस देश में बहुत दिनों से चलती आ रही है। बहुत बार मंत्रियों के ऊपर, मुख्य मंत्रियों के ऊपर, केन्द्रीय सरकार के मंत्रियों के ऊपर अनेक बार भ्रष्टाचार के आरोप लगे जिन में श्री कृष्ण मेनन से लेकर मोहन लाल सुखाडिया तक बहुत से नाम हैं जिन को मैं गिनाना नहीं चाहता और कुछ के नाम न गिनाने के खास कारण हैं। किसी के बेटे की बात थी, किसी की बहु की बात कही गयी, किसी के भाई की बात कही गयी और इस प्रकार बहुत सारी बातें भ्रष्टाचार के नाम में आयी हैं। परन्तु इन सब बातों के होते हुए अनेक बार इस देश के सामने सवाल आया है कि अगर भ्रष्टाचार को दूर करना है तो उस को मुलजाने के लिये कोई

ढंग होना चाहिए। इसका क्या ढंग रहा। हमारे साथी सरकार में तीस वर्ष रहे। उन्होंने क्या ढंग रखा। क्या उन के सामने इस प्रकार के आरोप नहीं लगे थे। महोदय, मेरे पास दो ऐसे फोल्डर्स हैं और इस प्रकार के और भी बहुत से फोल्डर्स हैं जिन के अन्दर भ्रष्टाचार के आरोप से सम्बद्ध कटिंगज से भरे पड़े हैं....

SHRI N. G. RANGA: What is he arguing? Why we passed the Resolution?

DR. BHAI MAHAVIR: I understand what you have said. I am not yielding.

SHRI N. G. RANGA: I am addressing the Chair Mr. Chairman, you have to see what he is saying is relevant to the discussion. You will have to see. (Interruptions) I am asking the Chair. He is talking irrelevant things.

MR. CHAIRMAN: Dr. Mahavir, now come to the point and finish.

डा० भाई महावीर : यह तो सदन की मर्यादा को भी नहीं जानते। श्रीमन, तो बहुत सारे आरोप लगते रहे। उन आरोपों के बारे में क्या कार्यवाही होती रही है? क्या कुछ नीति अपनायी गयी है? मैं उस की तरफ आप का ध्यान आकृष्ट करना चाहता हूँ। मेरे पास यह जो फोल्डर हैं उन के अन्दर ऐसी कटिंगज हैं जिन में कहा गया है कि सौ से ज्यादा संसद सदस्यों ने एक मुख्य मंत्री के खिलाफ आरोप लगाया और उस पर दस्तखत कर के राष्ट्रपति के पास ज्ञापन दिया और कहा कि इस के बारे में जांच होनी चाहिए। लेकिन उस के बाद सरकार की तरफ से कल एक बयान दे दिया गया कि इस के बारे में इक्वायरी कर के देख लिया गया है, कुछ नहीं है, इस लिये आगे कोई कदम उठाने की जरूरत नहीं है।

(Interruptions)

श्री कल्पनाथ राय : यहां गृह मंत्री ने भ्रष्टाचार का आरोप लगाया है।



**डा० भाई महावीर :** जब श्री लाल बहादुर शास्त्री प्रधान मंत्री बने उन के समय में एक कमेटी बनायी गयी थी संथानम कमेटी के नाम से, जिसको प्रिवेंशन आफ करप्शन के विषय पर काम करने का आदेश दिया गया था। उस का थोड़ा सा उद्धरण पृष्ठ 102 से मैं देना चाहता हूँ। उन्होंने कहा।

**श्री कल्पनाथ राय :** मैं पूछना चाहता हूँ कि विषय क्या है ?

**डा० भाई महावीर :** आप को बोलने का मौका मिलेगा बाद में। यह पहलवानी का अखाड़ा नहीं है।

**श्री कल्पनाथ राय :** श्रीमान् मैं पूछना चाहता हूँ कि.....

(Interruptions)

**डा० भाई महावीर :** आपको पूछने का मौका नहीं मिलेगा, तशरीफ रखिये। पहलवान बनकर आप यहां पर क्या कुश्ती करेंगे ?

(Interruptions)

"Specific allegation of corruption on the part of a Minister at the Centre or a State should be promptly investigated by an agency whose findings will command respect. We recognise that irresponsible allegations cannot be taken serious note. We, therefore, suggest that if a formal allegation is made by any 10 members of Parliament or a Legislature in writing addressed to the Prime Minister or Chief Minister, through the Speakers and Chairman, the Prime Minister or Chief Minister should consider himself obliged, by convention, to refer the allegations for immediate investigation by a Committee as has been suggested later in this Section."

**श्री कल्पनाथ राय :** अध्यक्ष महोदय, मैं पूछना चाहता हूँ...

**डा० भाई महावीर :** क्या आपका धीरज इतना ही है कि मैं विशेषज्ञ समिति की सिफारिश को कोट कर रहा हूँ और आप सुन नहीं सकते ....

**SHRIMATI HAMIDA HABIBUL-LAH (Uttar Pradesh):** We are supporting you.

**MR. CHAIRMAN:** Be brief.

**डा० भाई महावीर :** इसके आगे एक चीज और कहनी है। यहां पर 10 संसद सदस्यों की जरूरत कही गई थी, उन दिनों में यहां तक हुआ कि 100 से ज्यादा संसद सदस्यों ने हस्ताक्षर करके जापन दिये।

Inquiry Commission should "have been appointed in such cases. But no enquiry had been conducted because the Government had said that they had inquired on their own basis and found nothing in the charges.

**MR. CHAIRMAN:** Be brief now.

**डा० भाई महावीर :** श्रीमान् बहुत सारे चीफ मिनिस्टर्स, बहुत सारे सेंट्रल मिनिस्टर्स इन्क्वायरी के नीचे नहीं लाये गये परन्तु आज पहली बार जनता सरकार के प्रधान मंत्री की ओर से यह कहा गया कि एक सदस्य भी अगर हस्ताक्षर करके कोई चार्ज देता है तो उन्हें सुप्रीम कोर्ट के चीफ जस्टिस को रेफर करने के लिये तैयार हैं।

महोदय, मेरे दोस्त श्री प्रणब मुकर्जी ने कहा कि जज को आप दे रहे हैं तो उस जज को आप कमीशन आफ इन्क्वायरी ऐक्ट के नीचे ही क्यों नहीं अपाईंट कर देते ? मैं इसी रिपोर्ट के, संथानम कमेटी की रिपोर्ट के 103 पृष्ठ में से कुछ हिस्सा आपको सुना रहा हूँ --

"Whenever allegations against a Minister require to be inquired into an *ad hoc* Committee should be selected out of this national panel

[Dr. Bhai Mahavir]

by the President. The Committee may consist of three persons one of whom at least should have held or should be holding a high judicial office. It should be the duty of the Committee to ascertain whether there is a *prima facie* case. The Committee should have the power to direct the Central Bureau of Investigation, in suitable cases, to investigate and report. If the Committee wishes to make any inquiries otherwise than through the Central Bureau of Investigation it should be given all the necessary facilities and assistance including free access to all documents, files etc. without being hampered by any claim of privilege. On the completion of the inquiries either through the Central Bureau of Investigation or otherwise the Committee should consider the available material and advise as to further action, if any, that may be necessary."

श्री कल्पनाय राय : सभापति महोदय, किस बात पर ये बहस कर रहे हैं ? ... मैं आपसे पूछना चाहता हूँ ....

(Interruptions)

डा० भाई महावीर : आप क्या पूछते हैं, आप बैठिये ।

(Interruptions)

श्री कल्पनाय राय : श्रीमन मैं आपसे रुलिंग चाहता हूँ कि यहां पर किस बात की बहस हो रही है । किस प्रस्ताव पर बहस है ?

(Interruptions)

DR. BHAI MAHAVIR: The most unruly Member asking for ruling every time.

ये दोनों बातों उस कमेटी ने कहीं हैं कि प्राइमा फेसी केस देखने के लिए 10 संसद सदस्य हस्ताक्षर करके कोई ज्ञापन दें । आज तक इसके पहले न श्रीमती इंदिरा गांधी

ने, आखिर उनके बेटे के ऊपर भी बहुत आरोप थे, लेकिन उनके इशारे के ऊपर नाचने वाली पार्टी, उनके नाम का पट्टा लगाकर चलने वाला दल इस बात के लिए आज तक तयार नहीं हुआ कि कमीशन आफ इन्क्वायरी किसी जज के हवाले की जाए ।

"It may advise that a regular case be registered for investigation with a view to prosecute the Minister concerned or a commission of inquiry under the Commissions of Inquiry Act, 1952 be appointed."

MR. CHAIRMAN: Now come to the point.

डा० भाई महावीर : महोदय, मेरा आपसे निवेदन यह है कि भ्रष्टाचार की बात कही जाती है तो भ्रष्टाचार के मामले में इससे ज्यादा सही कदम और नहीं उठाया जा सकता है । चीफ जस्टिस के पास इस मामले को भेजने के लिए कहा गया है । जनता पार्टी ने जजों को आपकी तरह से अपाईंट नहीं किया है । आप ऐसा करते रहे कि आपके मतलब का जो जज हो उसको ही रखा और आपके मतलब का जो हो सके चीफ जस्टिस उसको ही अपाईंट कर दिया जनता पार्टी ने ऐसा नहीं किया

(Interruptions)

चीफ जस्टिस को एक सामान्य नियम के अनुसार अपाईंट किया गया है और उन्हीं के हवाले यह काम इस सरकार ने या प्रधान मंत्री जी ने सौंपने के लिये आपर किया है । इससे बढ़ कर कोई और अच्छी बात नहीं हो सकती ।

(Interruptions)

एक बात आखिर में मुझे यह कहनी है कि श्री प्रणब मुखर्जी ने यह कहा कि यह सरकार बड़ी एरोमेंट है, बड़ी घमंडी है, यह बड़े दुख की बात है । इस तरह से उन्होंने इस सरकार की भर्त्सना की । अगर सचमुच यह सरकार कुछ छिपा रही हो तो उसके

लिये दोषी हो सकती है लेकिन जब यह सरकार कहती है कि आप में से कोई जिम्मेदारी लेकर आरोप दीजिए उसे चीफ जस्टिस देखेंगे तो मैं नहीं समझता कि उनको इसमें कोई शिकायत होनी चाहिए। हम चाहते हैं कि सच्चाई सामने आनी चाहिये। वास्तव में विचित्र बात यह है कि हमारे यही मित्र शाह कमिशन के सामने जाकर तो सच बोलने से कतराते हैं। अपनी बुराइयों को अपने कुकर्मों को छिपाने के लिये ओथ आफ सीक्रेसी का बहाना बनाते हैं शपथ के बुरके में छिपते हैं और दूसरों के ऊपर आरोप लगाने के लिए तैयार हैं। इस तरह की जो कलावाजी है यह शायद आपको ही शोभा देती है।

आखिरी शब्द कह कर मैं बैठ जाऊंगा। मुझे निराशा हुई अपने माननीय सदस्य भोला पासवान शास्त्री के विचार सुन कर। जो प्रस्ताव अभी प्रधान मंत्री जी ने रखा उस पर उन्होंने कहा।

MR. CHAIRMAN: You are too general, unnecessarily.

DR. BHAI MAHAVIR: I am just finishing. When Mr. Bhupesh Gupta stood up; he can continue for an hour

MR. CHAIRMAN: Do you want to be Bhupesh?

DR. BHAI MAHAVIR: I am completing in a minute.

AN HON. MEMBER: Do you want to be Bhupesh?

DR. BHAI MAHAVIR: No. Let him have the position of an unchallenged privileged Member here. He can monopolise all the time. I don't grudge him that.

मैं यह कह रहा हूँ कि भोला पासवान शास्त्री जी ने बड़े ही रोचक और मनोरंजक ढंग से इस प्रस्ताव की आलोचना

की और इसको स्वीकार करने से इनकार किया। परन्तु मैं उनसे निवेदन करना चाहता हूँ कि देश की अवस्था ऐसी नहीं है जिसमें कि कुछ राजनीतिक दांव पेच पर हम अपने सारे कामों को चलाते रहें। ऐसे प्रयत्नों में देश का कितना ही पैसा बर्बाद हुआ है। इस सदन में जितना पैसा अब तक बर्बाद हुआ है इस बात को लेकर कोई हिसाब लगाये तो हम पायेंगे कि हम से बड़ा अपराधी कोई देश में साबित नहीं होगा।

जब इस प्रस्ताव पर चर्चा हुई थी तो इनका—शास्त्री जी का—यह संशोधन था कि यह सारा मामला किसी जूरिस्ट के हवाले किया जाए। आज अगर प्रधान मंत्री यह प्रस्ताव लाते हैं तो बजाय इसके कि वह स्वागत करें, इस प्रस्ताव को स्वीकार करने के लिये तैयार नहीं हैं। मैं समझता हूँ कि यह सिर्फ राजनैतिक खेल है। सिर्फ पोलिटिकल एक्सप्लेएटेशन है, इसके सिवाए कुछ नहीं।

(Interruptions)

इन शब्दों के साथ मैं अपने मित्रों से अनुरोध करूंगा कि पार्लिटिकल खेल में हो सकता है आपका दाव एक बार ऊपर हो और जनता पार्टी को, इस सरकार को किसी एक कोने में घेर लिया गया हो लेकिन हम इस दांव पेच में ही न फंसे रहें क्योंकि सब से बड़ा देश है, देश हित है। हमें देश के हित को, इस सदन की मर्यादा को कायम रखना है। इन सब बातों का ध्यान रखते हुए कृपया सुझाव को स्वीकार करके इस सदन का चलने दीजिए।

श्री अन्नत प्रसाद शर्मा : सभापति महोदय, जब आज प्रधान मंत्री जी ने सदन के सामने बयान दिया तो प्रधान मंत्री जी का खास तौर से जो अपना स्वरूप है और जो हम बहुत दिनों से जानते थे वह स्वरूप आज नजर आया। सभापति महोदय, मैं आपसे कहना चाहता हूँ कि जब सदन के सामने

[डा० भाई महावीर] :

पहली बार यह सवाल आया तो उस समय प्रधान मंत्री जी ने और उनकी सरकार ने क्या रवैया अख्तियार किया, यह आपको मालूम है ? न तो वे स्पेशियल मेंशन के लिये इस सवाल को उठाने देना चाहते थे और न ही कालिग अटेंशन के लिए इस सवाल को उठाने देना चाहते थे । मैं आपको इस बात के लिए भी याद दिलाना चाहता हूँ कि 40 मिनट तक कालिग अटेंशन के संबंध में जो बातें कही गई . . .

श्री सुन्दर सिंह भंडारी : कालिग एटेंशन नहीं उठाने देना चाहते थे, इसका क्या मतलब हुआ ?

श्री अनन्त प्रसाद शर्मा : इसका क्या मतलब है, यह मैं अभी बताता हूँ । आप एक मिनट के लिए मेरी बात सुन लीजिये । इस सदन के सामने बार बार यह सवाल लाने की कोशिश की गई, लेकिन सरकार की तरफ से यह कोशिश की गई कि किसी तरह से यह सवाल सदन के सामने न आये और 40 मिनट तक सदन में जो सरकार के खिलाफ बातें कही गई, प्रधान मंत्री जी ने सिर्फ दो शब्दों में उसका जवाब दे दिया । उन्होंने कहा—

"I have nothing to add".

यानी 40 मिनट तक सदन में जो बातें कही गई उनको उन्होंने स्वीकार किया, लेकिन उसके संबंध में जवाब देने के लिए उनके पास कोई तर्क नहीं था . . . . .

(Interruptions)

श्री सुन्दर सिंह भंडारी : अगर आप गलत बात कहेंगे तो हमें बीच में बोलना पड़ेगा । उन्होंने कहा कि मैं पहले ही जवाब दे चुका हूँ, इसके अतिरिक्त मुझे कुछ नहीं कहना है ।

[The Vice-Chairman (Shri Shyam Lal Yadav): in the Chair].

श्री अनन्त प्रसाद शर्मा : उपसभाध्यक्ष जी, आज जब सदन में प्रधान मंत्री जी ने

बयान दिया तो हमारे कुछ मित्रों ने उसके संबंध में कुछ तर्क दिये हैं । मैंने उन तर्कों को सुना है । खास तौर पर हमारे दोस्त श्री सुरजीत जी ने और भाई महावीर जी ने कुछ तर्क दिये हैं । श्री सुरजीत एक बड़े क्रांतिकारी हैं । मुझे विश्वास है कि जहाँ कहीं भी करप्शन की बात होगी तो उसमें वे किसी तरह की नरमी नहीं दिखलाएंगे । आज उन्होंने इस बात से संतोष कर लिया कि प्रधान मंत्री जी कुछ झुके हैं । मैं उनसे कहना चाहता हूँ कि जो भी सरकार होती है या प्रधान मंत्री होता है वह ऐसे ही काम करता है, वह इंच बाई इंच झुकता है । श्री सुरजीत का भी इस प्रस्ताव के संबंध में एक एमेन्डमेन्ट था, इसलिए अगर प्रधान मंत्री जी ने उनकी बात मान ली होती तो शायद वे और भी ज्यादा खुश होते । उन्होंने कहा कि इतने दिनों के बाद प्रधान मंत्री ने एक बात को मान लिया है, इसलिए यह खुशी की बात है । लेकिन मैं आपसे कहना चाहता हूँ कि अगर आपने प्रधान मंत्री जी से यह बात पहले मनवा ली होती और अगर वे आपकी बातों को नहीं मानते तो आपको प्रधान मंत्री का समर्थन नहीं करना चाहिए ।

भाई महावीर ने इस बात का जिक्र किया कि किस तरह से लोग इमरजेंसी में जेलों में बन्द किये गये । इसके अलावा उन्होंने और भी बड़ी बड़ी तर्क की बातें कहीं और यह कहा कि यह पहला मौका है जब देश के प्रधान मंत्री ने किसी मामले को सुप्रीम कोर्ट के चीफ जस्टिस को देखने के लिए भेजने का प्रस्ताव किया है उस मामले में कोई प्राइमाफेसी केस बनता है या नहीं । लेकिन मेरा कहना यह है कि किसी जज को या चीफ जस्टिस को इस बात के लिए बैठाने की जरूरत नहीं है कि किसी मामले में प्राइमाफेसी केस है या नहीं । किसी जस्टिस के सामने या चीफ जस्टिस के सामने कोई केस तभी भेजा जाता है जब कि किसी व्यक्ति

के खिलाफ कोई मकदमा चलाना होता है। किसी कमीशन आफ इन्क्वायरी के द्वारा कोई प्राइमाफेसी केस बनने के बाद ही मामला जज के पास भेजा जा सकता है। मुझे तो आश्चर्य मालूम होता है कि यह सरकार किस तरह से सोचती है। इस गवर्नमेंट को इस बात पर बार-बार बहस करने में शर्म नहीं आती है क्योंकि इस गवर्नमेंट ने इस देश के अन्दर 29 कमीशन बैठाये हैं। इन कमीशनों के लिए इस सरकार के पास कौन-सा प्राइमाफेसी केस था? जस्टिस जे० सी० शाह ने स्वयं कहा है कि हम कोई कोर्ट नहीं हैं, हमारे सामने कोई एलीगेशन नहीं हैं, हमारे सामने कोई एलेज्ड नहीं है, बल्कि हम यह देख रहे हैं कि क्या कोई प्राइमाफेसी केस बनता है या नहीं बनता है। ऐसी स्थिति में मेरी समझ में यह नहीं आता कि जो सरकार 29 कमीशन बैठा चुकी है और कोई प्राइमाफेसी केस निकालने के लिए करोड़ों रुपये बर्बाद कर चुकी है वह सरकार इस मामले की जांच करने के लिए इस सदन की मांग को क्यों नहीं मान रही है? यह सरकार यह बात कैसे कहती है कि हम कोई कमीशन नहीं बैठायेंगे और हम पहले प्राइमाफेसी केस देखने के लिए सुप्रीम कोर्ट के चीफ जस्टिस के पास जाएंगे?

मैं यह कहना चाहता हूँ कि भूपेश गुप्त जी के कथन का समर्थन करना चाहता हूँ कि आज प्रधान मंत्री और इस सरकार ने जो इस बात का दावा करती है कि हम प्रजातंत्र को इस देश के अन्दर वापिस ले आए हैं वह सरकार किस तरह से प्रजातंत्र का गला घांट रही है। इससे बड़ा और कोई दूसरा उदाहरण हमारे सामने नहीं हो सकता। सदन में प्रस्ताव पास हुआ, पास करने के बाद आज इतने दिनों के बाद सरकार ब्यान दे रही है कि हम उस प्रस्ताव को नहीं मानेंगे। मैं यह कहना चाहता हूँ कि आज जो हमारे

सामने सवाल है, वह यह नहीं है कि हम चीफ जस्टिस के सामने एलीगेंस ले कर जाएं या न जाएं, आज हमारे सामने सवाल यह है कि एक कमीशन आफ इन्क्वायरी बैठे या पार्लियामेंटरी कमेटी राज्य सभा की बने और वह कमेटी जितने भी एलीगेंस हैं, जितने भी चार्जज हैं उन चार्जज को देखे और देख कर यह तय करे कि प्राइमाफेसी केस है या नहीं है। आज यह सवाल हमारे सामने है। आज हमारे सामने यह सवाल नहीं है कि स्पेसिफिक चार्जज जाँ हैं वे चीफ जस्टिस को भेज दिए जाएं और वह अपनी राय दे। मैं यह कहना चाहता हूँ कि यह इस सरकार को शोभा नहीं देता। इस तरह की बातें सरकार को शोभा नहीं देती। आज हमारे डा० भाई महावीर ने जो हमारे भूतपूर्व प्रधान मंत्री और पिछली सरकार की बड़ी आलोचना की। उन्होंने कहा कि आज हम आजादी में घूम रहे हैं, आज अखबारों की स्वतन्त्रता है कि वे छापें या न छापें। आल इंडिया रेडियो के संबंध में शिकायत की जाती थी। मैं इन सब बातों को दोहराना नहीं चाहता हूँ कि आज क्या हो रहा है। आज ही आप देखेंगे कि सदन में जो कार्यवाही चल रही है उसका क्या ब्यौरा दिया जाता है और प्रधान मंत्री जी ने जो स्टेटमेंट दिया है कितना लम्बा चौड़ा ब्यौरा दिया जाता है। यह आल इंडिय रेडियो कर रहा है। इसलिए उप-सभाध्यक्ष महोदय मैं बड़े अदब के साथ, इज्जत के साथ कहना चाहता हूँ कि आज जो सवाल है वह गवर्नमेंट के पक्ष का नहीं है, कोई विरोध पक्ष का नहीं है। आज यह सवाल पूरे सदन का है और जब तक सदन की कमेटी नहीं बनाई जाती तब तक मैं समझता हूँ कि सरकार का दावा कि हम प्रजातंत्र में विश्वास करते हैं यह बिल्कुल गलत है और झूठा है। श्री दिनेश सिंह ने सोवार्नटी आफ पीपुल की बात की, सुप्रिमेसी आफ पार्लियामेंट की बात की, दोनों हाउसेज की बात की, उस के संदर्भ में उन्होंने सोवार्नटी

## [श्री अनन्त प्रसाद शर्मा]

आफ पीपुल की बात को। सोवियटि आफ पीपुल को कौन चैलेंज करता है। अगर न मानते तो जो प्रजातंत्र का तरीका देश में चल रहा है उसमें हमारा विश्वास न होता। हम मानते हैं कि सुप्रिमेसी आफ पीपुल सर्वोपरि है। इसलिए हमारी पार्टी ने इस बात का ध्यान न करते हुए कि चुनाव का नतीजा क्या होगा या नहीं होगा वह पीपुल्स से मेनडेट मांगने के लिए गई। आज उनकी खुशकिस्मती है कि उस मेनडेट की वजह से सरकार में बैठे हुए हैं लेकिन सरकार में बैठ कर फिर तरह से यह पीपुल्स सोवियटि की बात स्वीकार करते हैं, यह किस तरह से लागू करते हैं, इसका उदाहरण आज आपके सामने है। जब सदन में प्रस्ताव पास हुआ उसकी किम तरह से अब अवेहेलना कर रहे हैं। इसलिए मैं निवेदन करूंगा कि हमारे भाई हरकृष्ण सिंह सुरजीत जी, अगर आप चाहते हैं कि जो कर्प्शन देश में फैला हुई है वह समाप्त हो तो उनकी पार्टी के लोगों से निवेदन करूंगा कि आप उनके साथ नहीं चल सकते, अगर मचमुच में आप मार्क्सवादी हैं। मैं यह कहता हूँ कि यह ट्रेडर्स को सरकार है; पुर्जापतियों का सरकार है, प्रतिक्रियावादी सरकार है। अगर आप अपने को प्रगतिशील कहते हैं, अगर आप अपने को मार्क्सवादी कहते हैं तो इस सरकार से कोई भी आपका तालमेल नहीं हो सकता।

इसलिए मैं आपसे निवेदन करूंगा कि जो सदन का प्रस्ताव है उस प्रस्ताव का समर्थन करें, आपकी पार्टी उसका समर्थन करे और आप भी तब तक चैन नहीं लेंगे तब तक सदन के प्रस्ताव के जरिए कमेटी बनाने की बात है, वह पूरी नहीं हो जाती है, आखिर में मैं कहता चाहता हूँ उपसभाध्यक्ष जी कि यह सवाल किसी पार्टी का सवाल नहीं है, वह सवाल सदन का है, प्रजातंत्र में जो भी फैसला होता है वही तो एक राय से होता है या बहुमत से होता है। जब कभी

फैसला बहुमत से होता है तो जितने भी इसके लोग हैं वह सब के लिए फैसला बन जाता है और ईमानदारी की बात है कि सारे लोग मिलकर उस फैसले को लागू करें। मैं आशा रखता हूँ कि जो अभी तक सत्य और अहिंसा की बात करते हैं, गांधी जी की बात करते हैं, आखिर में मैं उपसभाध्यक्ष जी एक लाइन पढ़कर खत्म करना चाहता हूँ कि यह लोग जिसको फरिश्ता मानते हैं, उन्होंने भी दो दिन पहले, क्या कहा था वह मालूम नहीं है लेकिन अभी तक इसका कन्ट्राडिक्शन नहीं है, पैट्रियाट पेपर मेरे सामने है इसमें निकला है :

"J. P. attacks Morarji:

Demand for probe into charges backed."

अब मैं आपसे यह कहना चाहता हूँ कि इससे ज्यादा इनका मोरैल सर्पोर्ट क्या हो सकता है कमीशन आफ इन्क्वायरी एंवाइंट करने का। फिर आखिर में मैं एक लाइन पढ़कर खत्म करना चाहता हूँ, उन्होंने कहा है :

"With this stand of Mr. Narayan, no escape route has been left for the ruling party but to honour the resolution passed by the Rajya Sabha on this subject."

श्री जयप्रकाश नारायण जी ने इस का समर्थन किया। राज्य सभा ने जो प्रस्ताव पास किया है उसको उससे अलग होने का खल्लिग पार्टी के सामने कोई सवाल नहीं है, कोई ईस्कैप नहीं है। मैं आशा करूंगा कि पालिटिकल मेंटल जिसको समझते हैं, जिसको रहनुमा समझते हैं कम से कम उनकी बातों को मान कर और सदन का जो प्रस्ताव है उस प्रस्ताव को आनर करेंगे और जनता पार्टी के लोक भी जब तक कमेटी नहीं बन जाती है तब तक चैन नहीं लेंगे, हमारा साथ देंगे, इन्हीं शब्दों के साथ मैं आपको धन्यवाद देता हूँ :