

**Latest position Regarding the request of Shri Ram Jethmalani
A.P., for Personal explanation**

श्री सुरेश पचौरी (मध्य प्रदेश): सभापति जी, विधि मंत्री जी ने कहा था कि एक घंटे बाद वे सदन को वस्तुस्थिति से अवगत कराएंगे। मैं समझता हूँ कि एक घंटा हो गया है और यह सदन इस बात को जानने का इच्छुक है कि वस्तुस्थिति क्या है। इस संबंध में आपका निर्देशन आवश्यक है।

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING AND MINISTER OF STATE OF THE MINISTRY OF LAW JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): Sir, the Secretariat of the Rajya Sabha had sent a communication yesterday to the Ministry of Law, Justice and Company Affairs with regard to certain documents and annexures which were enclosed with the proposed statement of Shri Ram Jethmalani. We have just submitted a reply to the Secretariat and, since it relates to a matter on which the hon. Chairman will have to decide, the hon. Chairman may consider our reply while deciding this issue.

SHRI KAPIL SIBAL (Bihar): My understanding was that the hon. Law Minister would inform the House -- that was my understanding -- as to what is the nature of those documents that have been taken by the former hon. Minister and were to be revealed to the Press, as has been seen in this morning's newspapers. This is what the House understood. The statement of the hon. Prime Minister ...*(Interruptions)*... The proceedings of the House may be looked at and an appropriate direction in this regard may be given. I request the hon. Minister, in fact, to share that information with the hon. Members of the House so that the dignity of the House, not only the dignity of this House but the dignity of the Government also, is maintained because he was your Minister who has allegedly taken these documents.

MR. CHAIRMAN: Now the reply has been sent to the Secretariat. The Secretariat must see the reply first. Without the Secretariat seeing the reply, how can ...*(Interruptions)*!

SHRI KAPIL SIBAL: Then why for one hour?

SHRI MD. SALIM (West Bengal): Sir, the normal procedure is...*(Interruptions)*!

MR. CHAIRMAN: Let me understand him.*(Interruptions)*.... Let me understand everything. ...*(Interruptions)*... Whatever we get and whatever action we take, certainly, we will keep you informed about it. There is no question of secrecy about it. ...*(Interruptions)*!

[27 JULY, 2000]

RAJYA SABHA

SHRI KAPIL SIBAL: Mr. Chairman, Sir, ...*(Interruptions)*!

MR. CHAIRMAN: The Secretariat wrote to the ...*(Interruptions)*...

SHRI KAPIL SIBAL: Mr. Chairman, Sir, there were two separate issues. ...*(Interruptions)*!

SHRI ARUN JAITLEY: Sir, last evening we received a communication from the Secretariat with regard to the proposed statement and the documents annexed therewith. Certain queries were made with regard to those documents and our stand was sought. We have prepared a response, which has been delivered to the Secretariat.

SHRI KAPIL SIBAL: Mr. Chairman, Sir, you will remember, this morning when the question of dignity of the House came up, I got up and said that there were two separate issues, one relating to the dignity of the House and the other relating to the criminal acts that have been allegedly committed by siphoning off or taking away secret documents, with which the Government must be vitally concerned. Now, I said, on that, we would like the hon. Prime Minister to make a statement; not on the first, I made it clear. Then, when we requested the hon. Prime Minister to make a statement, after pressing, the hon. Prime Minister got up and said that the hon. Law Minister will come to the House and inform the House. The hon. Law Minister cannot hide behind the first query dealing with the dignity of the House and the communication between the Secretariat and the Ministry, and say that he will not inform the House. I request, I beseech, the hon. Law Minister to share this information with the hon. Members of this House, which will be in keeping with the traditions of this House because it vitally concerns this House. That has to be done.

SHRI DIPANKAR MUKHERJEE (West Bengal): Annexure 3 is of a secret nature.

SHRI K SIBAL: One concerns the dignity of the House and what this House will do. The other concerns the Government; the secrecy of the documents. That vitally concerns the Government and the impression will go that this Government in fact, wants to protect somebody. That impression should not go; by not sharing this information with us, that is the impression that will go. That is a very serious thing.

MR. CHAIRMAN: I do not think so. When the reply comes to us, we take a decision. Certainly, we will keep the Members informed about what action we take.

SHRI KAPIL SIBAL: In that case, Mr. Chairman...

MR. CHAIRMAN: The Secretariat will certainly write to Mr. Jethmalani also on the reply that we have got. On the basis of that, we

'shall tell you what is wrong and what is right. The Secretariat is in the process of taking certain action, which has to be taken. Let the Secretariat take action and nothing will be kept hidden; nothing will be kept secret. Certainly, whatever we do will be transparent. ...*(Interruptions)*।

SHRI MD. SALIM: Unnecessarily, we are bringing in the Secretariat into the picture.

SHRI KAPIL SABIL: Exactly. That is unfair.

SHRI MD. SALIM: Of course, they correspond on behalf of the House and on behalf of the Chair. The question is...सवाल यह है कि कार्रवाई हो सकता था और हुआ है। स्टेटमेंट यह दे सकते हैं, एक्सप्लेन दे सकते हैं। मंत्री जी भी दे सकते हैं। कभी हम उसको हाऊस में नहीं ला सकते लेकिन हाऊस में जो बात आई है वह यह है कि सीक्रेट डॉक्यूमेंट्स क्या मंत्री जी ले गए हैं? ऐसी शिकायत आई है। उसके साथ स्टेटमेंट वाला मामला आ गया कि यहां भी कुछ जमा पड़ा है। अगर वह नहीं भी आता, अगर मंत्री जी स्टेटमेंट नहीं देना चाहते, अखबार में अगर हम देखते कि कुछ सीक्रेट डॉक्यूमेंट्स चले गए हैं और अगर हम सरकार से पूछते हैं तो सरकार यह कहती है, प्रधानमंत्री जी यह कहते हैं कि हां, लॉ मिनिस्टर आएंगे, देखेंगे कि वे सीक्रेट हैं या नहीं फिर ...(व्यवधान)*... यह तो देखना पड़ेगा ...*(व्यवधान)*... अब वे देख चुके हैं। अगर वे सेक्रेटेरियेट को खत लिख सकते हैं तो हाऊस को क्यों नहीं बता सकते?

MR. CHAIRMAN. Please sit down. Let the Minister speak. ...*(Interruptions)*...

SHRI N. K. P. SALVE (Maharashtra) : Sir, I want to raise a point. ...*(Interruptions)*... Sir, what you say about procedure is absolutely correct ...*(Interruptions)*... Sir, please permit me...*(Interruptions)*...

श्री एस.एस. अहलुवालिया (बिहार): यह * हो रही है ...*(व्यवधान)*...

*श्री मोहम्मद सलीम : अभी कपिल सिब्बल साहब बोल रहे हैं, यहां लॉ मिनिस्टर जेटली जी हैं, ये लोग लॉयर हो सकते हैं लेकिन यह बोलना कि यहां पर * हो रही है, यह गलत है ...*(व्यवधान)*... सीरियस होना चाहिए ... *(व्यवधान)*...

श्री एन.के.पी. साल्वे : सर, मेरा एक फंडामेंटल क्वेश्चन है ...*(व्यवधान)*...

SHRI K. M. KHAN (Andhra Pradesh): If he has said it, he should withdraw it. ...*(Interruptions)*...

*SHRI MD. SALIM: It is very serious. He should withdraw it. सर, रूल के मुताबिक मैं डिमांड करता हूं कि कपिल सिब्बल जी खड़े होकर बोलें कि हमने जो भी हिस्सा लिया इस डिबेट में, इसमें हमारा * का कोई मतलब नहीं है ...*(व्यवधान)*... उनको वह विद्वान बनना चाहिए ...*(व्यवधान)*...

*Expunged as ordered by the Chair.

*Transliteration of the speech in Persian Script is available in Hindi version of the debate.

SHRI KAPIL SIBAL: This is a very serious matter. Apparently, he talked about * between me and the hon. Law Minister. You may not name me, but that is what you are implying. This is wrong.

MR. CHAIRMAN: I agree with you...*(Interruptions)*... Motivation should not be imputed to any hon. Member in the House, by one or the other.

श्री सुरेश पचौरी: सर, उसको रिकार्ड से बाहर किया जाए। इसको रिकार्ड से एक्सपेंज करना चाहिए।...*(व्यवधान)*...

MR. CHAIRMAN: That is all right...*(Interruptions)*...

श्री सुरेश पचौरी: गैर जिम्मेदाराना बात इस सदन में नहीं की जानी चाहिए। गैर जिम्मेदाराना बात हो रही है वहाँ पर। मैंने वहाँ पर निश्चिन्त बातें रखी हैं।...*(व्यवधान)*...

SHRI N.K.P. SALVE: Sir, what you have said is about the procedure. It is correct...*(Interruptions)*.

श्री सुरेश पचौरी: आप फिर बतलाइए कि किस के बीच ये * है, स्पष्ट कीजिए? फेज नम बतलाइए, नाम बतलाने से क्यों संकोच हो रहा है? पहेलियों में बात नहीं होगी, स्पष्ट रूप से होनी चाहिए।...*(व्यवधान)*...

SHRI NILOTPAL BASU (West Bengal): This is a very serious question...*(Interruptions)*..

SHRI KAPIL SIBAL: Sir, the hon. Member should know that the hon. Law Minister and myself are best friends...*(Interruptions)*...Yes. Therefore, do not talk of things which are totally incorrect...*(Interruptions)*...Therefore, the hon. Chairman has expunged the remarks in that context.

MR. CHAIRMAN: Yes.

SHRI KAPIL SIBAL: Thank you. Thank you, very much.

SHRI N.K.P. SALVE: Sir, the hon. Chairman has pointed out that on receipt of the correspondence by the Secretariat, the Chairman would process and decide whatever he feels correct. But the basic question is, is it in conformity with the directions you have given? Is it in conformity with what the Law Minister promised to the House? If it is not so, then...

MR. CHAIRMAN: I have not seen. I will see...*(Interruptions)*...

SHRI N.K.P. SALVE: Sir, that procedure is correct; hundred per cent correct. But, is it in harmony, is it in consonance with the direction and the assurance that has been given to the House? That is the issue...*(Interruptions)*...

*Expunged as ordered by the Chair.

SHRI K. RAHMAN KHAN (Karnataka): This is the assurance given to the House...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU (Karnataka): Sir, you kindly hear our point of view also. In the morning, the Chairman had rightly taken up the issue seriously and he said it from the Chair and everybody had agreed to it; and then, you were kind enough to permit the Law Minister to respond. The Minister had given an assurance that within one hour he would come back to you...*(Interruptions)*...

SHRI K. RAHMAN KHAN: To the House...*(Interruptions)*...

SHRI N.K.P. SALVE: To the House: not to him...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: No, never...*(Interruptions)*... Go through the record...*(Interruptions)*... Sir, the House has not given any direction to the Minister...*(Interruptions)*... The Chair had asked the Law Ministry...*(Interruptions)*... No...*(Interruptions)*... Secret documents cannot be laid on the Table of the House...*(Interruptions)*... You know it...*(Interruptions)*... Let us not deviate from the main issue...*(Interruptions)*...

MR. CHAIRMAN: Hon. Law Minister wants to say something...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: I have something to say. Please, one minute. The question is with regard to the proceedings of the House. My point is very simple. The Chairman forwarded the documents to the Law Ministry for its remarks or response or whatever it is. The Law Minister, being present in the House, - maybe, accidentally or regularly - responded by saying...*(Interruptions)*... It was not his question...*(Interruptions)*...

SHRI N.K. PREMACHANDRAN (Kerala): He is present in the House. He has to respond...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Yes...*(Interruptions)*... That is your view...*(Interruptions)*... Babu, that is your view...*(Interruptions)*... My view is different...*(Interruptions)*... Let me clarify my point of view. My point is simple. The information was asked for by the hon. Chairman. The information has been given to the hon. Chairman or the Secretariat, and the hon. Chairman should proceed further, as per the rules. There is nothing to discuss in the House. Already, I am afraid, we are going a little bit away from the main issue and then started making allegations against each other...*(Interruptions)*...

SHRI NILOTPAL BASU: This is a very strange situation. The Government has assured us. Since the issue was raised in the House, the Government is accountable to the House...*(Interruptions)*...

[27 JULY, 2000]

RAJYA SABHA

SHRI ARUN JAITLEY: Sir, some very relevant questions have been raised. My submission before the hon. House would be that the two questions are intrinsically linked. The Secretariat had sent us a Memorandum seeking our response on the documents and on the category of the documents, and whether those documents can be used in the course of the House proceedings or not. Also, whether these are, in our view, secret documents or not. We have given our response. I had, in the morning, said that we would require some time. I also said that we were preparing our response and we would file it.

The hon. Chairman will take a view whether those documents can be used in the course of debate or not, and also on the character of those documents. Therefore, before the hon. Chairman takes that view, it will not be appropriate for the Government -- having already intimated its stand to the hon. Chairman -- to say anything yet. Suppose the Hon. Chairman takes a view that these documents are not secret, and if that is the eventual view and that can be relied upon, in that view of the matter, it would certainly not be proper for me to say anything contrary in advance. Alternatively, if the hon. Chairman takes a view that those documents are secret and cannot be relied upon, even on that ground, I cannot not really get up today and say anything which may be contrary to the view that the hon. Chairman may eventually take. Our response, or any response, to that would arise only after the hon. Chairman considers the matter and gives a ruling on that: ...*(Interruption)*...

SHRI KAPIL SIBAL: Sir, in fact, the hon. Minister is putting a very heavy burden on you. ...*(Interruptions)*... The hon. Chairman will not decide, and will never decide the secrecy of the documents. ...*(Interruptions)*... Mr. Chairman, Sir, I am stating it as a proposition of law: whether a document is secret or not, is a decision of the Government. It can never be a decision of the Chair. Sir, that's a matter of law. Under which law is a document decided to be secret or not? It is decided under the Official Secrets Act, and under the Government procedure because they have a Hand Book by virtue of which they decide whether a particular document is secret or not. When a Minister, in his handwriting, says that it is a secret document, nobody can say that it is not secret. For the purposes of those transactions, it is a secret document. Even if the Government gives those documents to you, it would not be the jurisdiction of the Chair to say that those documents are not secret. So, I request the hon. Minister....*(Interruptions)*... Just one second. ...*(Interruptions)*... No, no. ...*(Interruptions)*...

श्री सुरेश पचौरी : सर, माननीय सदस्य आपकी अनुमति से बोल रहे हैं ।

SHRI KAPIL SIBAL: Therefore, I request the hon. Minister not to put the Chair in a situation where the Chair has to decide whether a document is secret or not. We would like to know from the Government whether those documents are considered secret by it or not. The rest of the things will be decided in the House. *...(Interruptions)...* This information has to be revealed to the House because that was the assurance given to the House by no less a person than the hon. Prime Minister. This will be reflected in the record. *...(Interruptions)...*

SHRI MD. SALIM: Sir, it is a matter on which the Prime Minister gave an assurance, and you also said, "Let the Question Hour proceed and then within one hour, they will come and tell us." They did not say that the documents will be passed on to you to decide whether they are secret or not. It is a question of accountability of an elected Government to Parliament. Sir, in front of all of us, you were in the Chair, they assured us. Now they are going back. This we will not allow, Sir. This we cannot allow. *...(Interruptions)...*

SHRI ARUN JAITLEY: Sir, there is an accountability as per the Rules of Procedure. The Rules of Procedure are that a Member had sought permission to make a statement. The Chair had asked for our response. We have given the response. The Chair will now decide as to what has to be done in the matter. That is the manner in which things are to be regulated. *...(Interruptions)...*

SHRI MD. SALIM: That is not the main issue. The procedure is not being disputed. The issue is being disputed. *...(Interruptions)...*

श्री एम.वैकेया नायडु : सर, यह कौन से रूल के अंडर डिसकस कर रहे हैं, समझ में नहीं आ रहा है। Sir, after the Question Hour, thirty minutes have gone without anything *...(Interruptions)...* Some Members want to take the *...(Interruptions)...* Chairman also. *...(Interruptions)...*

SHRI ARJUN SINGH (Madhya Pradesh): Sir, the House will recollect that the whole debate on this issue took a turn after the hon. Chairman expressed his anguish, as an imputation was being made that somebody was trying to manipulate the House. The whole thing started from there, and if came to this point where the Law Minister said that he would inform the House, the Prime Minister said "एक घंटा रुक जाइए"। I don't see any problem with you.

I don't understand the problem with you. Either you should not have said it, or, having said it, the Prime Minister having endorsed it, and all of us having accepted it, you cannot go back. It is very very unfortunate. I would request the hon. Chairman not to get involved in something which is squarely the responsibility of the Government to decide.

THE MINISTER OF PARLIAMNTARY AFFAIRS AND MINISTER OF INFORMATION • TECHNOLOGY (SHRI PRAMOD MAHAJAN): Sir, the documents were given to you. Our response was sought whether they were secret or not. We have already given the response, as promised. If you permit, we can tell the House what response we gave to the House. *(Interruptions)*

SHRI KAPIL SIBAL: Are you talking about the documents . . . *(Interruptions)*

SHRI PRAMOD MAHAJAN: You have not given me the documents. Which documents are you talking about? *(Interruptions)*

SHRI KAPIL SIBAL: You are aware of those documents. *(Interruptions)* These documents which you said are secret. *(Interruptions)* Don't ask me.

श्री प्रमोद महाजन: कपिल जी, पहले तो इस सदन में इतने बड़े-बड़े वकील आए हैं कि हम जैसे राजनीतिक व्यक्तियों के लिए इससे मुकाबला करना मुश्किल होता था। ...*(व्यवधान)*...

कुछ माननीय सदस्य: यही तो प्रॉब्लम है आपको। ... यही तो प्रॉब्लम है। ...*(व्यवधान)*...

श्री एन.के.पी. सार्वे: 22 सालों में एक मोहन बताइए जब यह सीक्रेसी का ईश्यू चेयर ने डिस्मैस किया हो। कमी नहीं ... बवाल ही नहीं होगा। आज तक ऐसा नहीं हुआ।

श्री प्रमोद महाजन: सार्वे जी, मैं कोई चीर बाल कह रहा हूँ। मैं यह कह रहा हूँ कि जिन डॉक्यूमेंट्स को हम गवाँ कर रहे हैं वे डॉक्यूमेंट्स हमको सऊस ने नहीं दिए हैं। हमको वे डॉक्यूमेंट्स चेयर ने दिए हैं। ...*(व्यवधान)*...

श्री मोहम्मद सलीम: अब लोग कुछ नहीं जानते हैं? यह तो सीक्रेसी का मामला है। हाऊस को क्यों ले जा रहे हैं आप? ...*(व्यवधान)*...

श्री प्रमोद महाजन: सर, ये सुन ही नहीं रहे हैं। ...*(व्यवधान)*... मैं सुन रहा हूँ, आप बोलिए। आपको जो बोना है बोलिए, मैं सुनता हूँ, लेकिन जब मैं बोलूँ तो आपको भी सुनना चाहिए। ...*(व्यवधान)*...

श्री प्रणब मुखर्जी (पारितोषी बंगाल): जीव है, आपने कहा। Sir, I would like to submit. ...*(Interruptions)*...

SHRI M. VENKATRAH NAIDU: This is the problem. *(Interruptions)* They will never hear the Minister. ... *(Interruptions)*...

They will never hear the ruling party people. ...*(Interruptions)*...

They want to go on making speeches and make allegations against all of us. ...*(Interruptions)*...

1.00 P.M.

SHRI PRANAB MUKHERJEE: You go on speaking; we have no problem. *(Interruptions)*

SHRI M. VENKAIAH NAIDU: Sir, we would like the Chair to guide us. Should all the documents be placed before the House? *(Interruptions)* Can the correspondence between the Chairman and the Minister be discussed in the House? ...*(Interruptions)*...

It is a very a simple question. ...*(Interruptions)*...

THE CHAIRMAN: Yes, let me ...*(Interruptions)*...

SHRI PRANAB MUKHERJEE: Sir, please listen to me and then make your observations. I do entirely agree that what transpires between the different ministries and the Rajya Sabha Secretariat is never discussed on the floor of this House. It is a matter of correspondence between two Secretariats to ascertain the facts so that the Rajya Sabha Secretariat can arrive at certain conclusions. Till this morning, this particular case was also of that nature, but this morning, something happened which was unusual. Let us admit that. This morning it happened that the Chairman, while making his observation observations, stated that as per the information -- on studying the documents -- the immediate reaction from the Law Ministry was that these documents were secret. Therefore, the Secretariat had sent these documents to obtain the opinion of the Law Ministry. The Law Minister himself had informed the House, he had no obligation or compulsion to come and tell this House that within one hour, the information will come. He could have told his Ministry and the Law Ministry could have informed this Secretariat as to when it will come. *(Interruptions)* Please listen to me. We were insisting that the Prime Minister should say something. And what did the Prime Minister say? The Prime Minister said, that the information would be made available within one hour. What was our objective? Our objective was to suspend the Question Hour. Let us clinch this issue. I would like to know whether this House could be manipulated by an individual to further his own interest. One person may have this view and another person may have that view. We were discussing it, but in between, the issue was resolved. You didn't allow the Question Hour to be suspended. Still we went on arguing. In between, the entire matter had to be looked into. So, we immediately resumed the normal business after listening to the Prime Minister and getting his advice एक घंटे के लिए रुक जाऊँ और मैं रुक गया।

Now you are saying that whatever you like to do, you will do it through correspondence. You will not put it on record, on the floor of the

House. Then why did you say that it will be done within one hour? That is the point. *(Interruptions)*

SHRI PRAMOD MAHAJAN: Sir, I would like to submit that we are talking about the documents which are not there. ...*(Interruptions)*...

SHRI HANSRAJ BHARDWAJ (Madhya Pradesh): Sir I.. ..

SHRI PRAMOD MAHAJAN: Let me complete. I may be wrong. *(Interruptions)* We are talking about the documents which are not there; 'which are not there' means, they are not laid on the Table of the House. Though I am a Member of this House, I am not aware as to what kind of documents we are really talking about. The documents are with the Rajya Sabha Secretariat. The Rajya Sabha Secretariat, through a confidential letter, had asked for a response from the Ministry of Law. In the morning, when this issue was raised, the hon. Prime Minister, as also the Law Minister, said that the response would come within one hour. Naturally, the response will come to a person who has got the documents. The response cannot come to a person who does not have the documents. As a Member of this House, I do not know what kind of documents we have. Therefore, when the documents, whether they are secret or confidential or open, are not there, I do not know what kind of a question it is. *(Interruptions)* We gave you the documents. If you feel, Mr. Chairman, you can tell our response. It is your right. There is nothing to hide. *(Interruptions)*

MR. CHAIRMAN: The House is adjourned till two o'clock.

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

The House reassembled after lunch at two minutes past two of the
Clock,

[MR. CHAIRMAN in the Chair.]

LATEST POSITION REGARDING THE REQUEST OF SHRI RAM JETHMALANI, M.P. FOR PERSONAL EXPLANATION -Contd.

श्री रामदास अग्रवाल : सभापति महोदय, आपकी आज्ञा हो तो मैं शुरू करूँ ।

MR. CHAIRMAN : I will come to you just now. Hon. Members, the Secretariat has received a reply from the Ministry of Law, Justice and Company Affairs. The Ministry has taken the stand that some of the documents annexed by Shri Ram Jethmalani are marked secret/confidential and cannot be used by a former Minister. Shri Ram Jethmalani has been advised of this position by this Secretariat and has been told to make a modified personal statement, bearing in mind the requirements of rules 238

and 241 of the Rules of Procedure and Conduct of Business in the Council of States and also the conventions and practices of this House.

SHRI PRANAB MUKHERJEE: Mr. Chairman, Sir, now the apprehensions which we have *(Interruptions)*. This is a piece of information. I am not disputing the ruling of the Chairman. Nobody can challenge the ruling of the Chairman. This is only a piece of information. Sir, on the basis of this information, our apprehension has actually been translated into reality. Our apprehension was, as I mentioned in the morning, a former Minister was in possession of certain documents which he utilised even when he ceased to be a Minister and then comes the role of the Government, not that of the House. It is for the Government to decide; if somebody indulges in breaking laws, indulges in something which may be construed as breach of trust, it is for the Government to take action. As a Minister, I was entrusted with certain documents which I had the legal right to possess and which I used in my capacity as a Minister. Suppose I cease to be a Minister, but even thereafter, I use those documents, then surely it is a criminal offence. My simple question to the Government is, what action is the Government going to take in respect of these matters, because the person concerned is a Member of this House? The Member used these documents in connection with, I suppose, transacting the business of the House. In discharging his duties as a Member of this House.

He was opting to exercise his right as a Member of the House to give an explanation on why he had resigned from the Council of Ministers, which is part of his duties and which he wanted to discharge as a Member of the House. It appears from the information that we received that what he did in that capacity was palpably wrong. Therefore, most respectfully, I would like to have the reaction and response of the Government on how the Government is going to treat this matter, what action it is going to take. If the Government can give us some information, we would be glad to have it.

SHRI ARUN JAITLEY: Sir, Government shall enquire into the source of the leakage of the documents and the consequences thereof.

SHRI HANSRAJ BHARDWAJ: I ask of the hon. Law Minister not to complicate the matter further. It is well known, Mr. Law Minister, that the source of the leakage is either the Law Ministry or the person who has the possession of these documents. You kindly verify from your officials whether all the files, which belong to your Ministry, have been retrieved. There are some very sensitive matters. You did not take my advice seriously that day. Kindly take it seriously today for your own benefit. It is

a very serious matter that you are dealing with. The man came to the Secretariat and promised to hand over the statement, and the Secretariat *bona fide* believed that he would give the statement within a reasonable time, within an hour or two. He did not give it. He went back home and made photocopies of the official documents that are secret. You are well aware of the definition of a thief. A person who is found in possession of a stolen property is either the thief or the receiver of the stolen property.

SHRI RAVI SHANKAR PRASAD (Bihar): The Member is speaking as if Mr. Jethmalani has stolen the documents. Mr. Jethmalani is not present in the House. *(Interruptions)*...

SHRI HANSRAJ BHARDWAJ: I am giving the legal position.

Sir, if there is anything objectionable, kindly delete it from the record. I do not mean any disrespect to any hon. Member, much less to Mr. Jethmalani who is our colleague and who has been at one time the Law Minister, which, fortunately or unfortunately, I also had the privilege to be.

First, kindly look at his action. He has some documents that are almost a confidential trust of the Government with him. When you write that this is a confidential document, you are bound by your own decision. It will remain secret or confidential. Then, he encloses them as annexures and gives them to the Secretariat later on. In his own interest or in your own interest you should have resolved by now whether the files have been actually stolen or he has simply made photocopies of those documents to attack the judiciary. Can an hon. Member do something that cannot be done in the House, by circulating it to Members? His intention has been well known. You know it very well. As I told you on that day in the Question Hour itself, an inner friction, an inner contradiction, is going on. I have many more details about this, but, in the interest of the institutions of democracy and judiciary, I am not divulging them. Kindly go into this in full detail and advise the Government that it is no longer safe to deal with the man who had, at one time, enjoyed the trust of the Government and who today is trying to destroy it by this type of manipulation.

This House is not to be blamed. What is rule 241? Rule 241 deals with a matter of a personal explanation. If he has any grouse of any kind or anything to say, he can do so. But he cannot raise a debatable point here. He has raised the most debatable point by using the Secretariat. We never do it. We always deal with the Secretariat, and the officials believe us as Members of this House. Many a time we say, "We are sending the papers." They say, "Okay, we will take note of them." See what he has done! Therefore, you kindly make a thorough probe. If he has deliberately done something, such a Member is not entitled to the respect that a Member deserves.

SHRI KAPIL SIBAL: Sir, it is a very serious matter. The hon. Minister has made a very significant statement. He has said just now that as far as these documents are concerned, a probe will be conducted to find out how the documents were leaked. The hon. Minister knows that under the Criminal Procedure law of this country, and especially the Official Secrets Act, the source of the leakage is not relevant. It is the person who possesses the document, which is relevant. I give an example. If a person steals a document and gives it in the hands of a person, who is not authorised, the person who is in possession of that document is *per se* liable for prosecution without going into anything more. You may certainly probe into the matter further and find out where the source was, but the person who is primarily liable under the law is the possessor of the documents. Now, it is clear that Mr. Jethmalani possessed the documents, which were secret. Nothing more could be inquired into as far as Mr. Jethmalani is concerned. Therefore, any statement by the Minister to say that action will be deferred to find out what the source is gives an impression that somebody is being protected, when he has obviously violated the law. Now, if this impression is given to the public at large, that merely because he had been a Minister a few days ago and now he is in possession of secret documents and a probe will be conducted as to the source, it is, in fact, telling the public that the person who is in possession of illegal documents will not be proceeded against. Please don't let that impression go to the public of this country. I demand an explanation from the Government here and now. Are they going to prosecute, are they going to deal with the person in possession of unauthorised documents immediately in accordance with the law? *(Interruptions)*

श्री संजय निरुपम (महाराष्ट्र): धमकी नहीं चलेगी । ...*(व्यवधान)*...

SHRI M. VENKAIAH NAIDU: Sir, can he say like this? *(Interruptions)* What for are we here? *(Interruptions)* I am on a point of order.

SHRI SANJAY NIRUPAM: He cannot say this to the House. He cannot tell this to the Chair. *(Interruptions)*

SHRI M. VENKAIAH NAIDU: Sir, is the House so helpless? *(Interruptions)* Please go through Rule 238(A). You must admonish him. *(Interruptions)* He has brought disrespect to the House by * *(Interruptions)*

SHRI KAPIL SIBAL: I said the Government was not performing its duties. *(Interruptions)* I said that by not informing they were denigrating the dignity of the House.

*Expunged, as ordered by the Chair.

श्री एम. वेंकैया नायडु : धमकी देने से कुछ नहीं होता (व्यवधान) Mr. Chairman, Sir, as per the rule no Member can threaten the House. He should withdraw his words or the Chair should admonish him. ...*(Interruptions)*...

श्री संजय निरुपम : चेयर को धमकी देने पर उनको माफी मांगनी पड़ी थी । ...*(व्यवधान)*...

मौलाना अबुलकलाम खान आज़मी (बिहार) : नो सी चूहे खा के बिल्ली हज को चली । ...*(व्यवधान)*...

MR. CHAIRMAN: Mr. Sibal should have said other things, but threatening the Member colleagues is not a very healthy sign on the part of the Member.

SHRI KAPIL SIBAL: I am sorry. I want to put the record straight. I did not threaten anybody. I reiterate that I had no intention of threatening anybody. You can check the record if I have used any such remark.

MR. CHAIRMAN: You said that.....

श्री संजय निरुपम : पहले उनको माफी मांगनी पड़ेगी । ...*(व्यवधान)*...

SHRI KAPIL SIBAL: No, no, I said, "if the Government don't take action in accordance with the law and don't make a statement, then, we will have to adopt coercive method to make sure that they discharge their duty. That is all that I want to say. That was the intention of this. How can I"

MR. CHAIRMAN: Anyway, but the words that he has used must be deleted. That is all right.

SHRI KAPIL SIBAL: Exactly. That is all right. That is all right. No problem. But there is no question of " This is not going to ...*(Interruptions)*... them in any way.

MR. CHAIRMAN: Now this issue is closed. All right. *(Interruptions)*

श्री मोहम्मद सलीम : मामला जहाँ था वहीं रह गया है । don't derail the issue.

SHRI M. VENKAIAH NAIDU: Mr. Chairman, Sir, I have a submission to make. Now that he said, okay, the Chair can go through it and then delete it from the record & the Chairman has right to delete it, we don't want to prolong it further and unnecessarily have acrimony in the House. My point is very simple. Sir, in the morning ...*(Interruptions)*... I am making a submission.

*Expunged, as ordered by the Chair.

SHRI NILOTPAL BASU: The Chair has identified me.

SHRI M. VENKAIAH NAIDU: I have requested the Chairman, I am not talking to you.

MR. CHAIRMAN: I had asked Mr. Nilotpal Basu.

SHRI M. VENKAIAH NAIDU: No problem. Whatever you say, we will accept it.

MR. CHAIRMAN: Afterwards, you will get a chance.

SHRI M. VENKAIAH NAIDU: Right, Sir.

MR. CHAIRMAN: Mr. Nilotpal Basu, don't be provocative.

SHRI NILOTPAL BASU: I will be very, very short. It is only for your consideration. So far as the facts that have been revealed are concerned, there are two aspects. Now, under the rules, how you are going to deal with Mr. Jethmalani's case; whether you will allow him to make that statement or not, whether the rules of business of this House allow you to permit him or not, that is the consideration that you have to take, after taking cognizance of all the relevant information.

The other aspect which here, I think has become all the more relevant is the accountability of the Government to the House. Now, we have read in the press that a particular Minister has resigned. Then, today there are press reports that he is claiming that he has been sacked. He has not only said that he has been sacked, but he is pointing an accusing finger at very important occupants of office of this Government, no less than the Attorney General of this country. Now, all these things are taking place when the Parliament is in session. As members of Parliament, we have the privilege, we have the prerogative to know authentically from the Government in terms of a detailed statement as to what went on within the Government which either led to the resignation of the Minister from the Council of Ministers or to his sacking. These facts must come through a Government statement on the floor of the House. We should not be forced to read all the details in the press. So, this is our concern. The Government must come out with a comprehensive statement explaining the entire chain of events which led to this kind of an unsavoury situation.

Sir, the third point which is very important is, when this Government was elected to power the Prime Minister had constituted a Council of Ministers. They were duty-bound to protect the laws of this land; and one of the laws is the Official Secrets Act. The then Law Minister himself admitted that some of the documents were lying with the Secretariat and some of the documents which were also published in the press were actually secret document. Therefore, the Government will also have to explain to the House as to how the Official Secrets Act has been breached; and they have to take the entire responsibility for that. They have to come before the House. They cannot avoid coming before the House. This is a very, very serious matter. When the Government itself has agreed that that particular law has been breached & whether the breach of that law was facilitated by the appointment of that particular member of Parliament as a Minister is not our concern, they will have to explain as to how all these things have happened because this Government was committed to the people for providing an able and a stable Government. Therefore, in the interest of transparency and in the interest of the dignity of the system, they have to come clean on this.

MR. CHAIRMAN: That is all right.

SHRI M. VENKAIAH NAIDU : Mr. Chairman, Sir, I would like to bring to the notice of the House, through the Chair, two points. In the morning, as it was an important issue, Shri Pranab Mukherjeeji raised it, through you, and other Members joined. You also expressed concern at the way in which the House was being taken for a particular purpose. Subsequently, a response came from the Government that they would respond to the memorandum or the document that was referred to them. And the response has been given. My point is very simple. I have gone through the rules of the Lok Sabha also. If a Minister resigns, there is no specific provision made in the rules, as far as the rules are concerned. A Member, by way of a personal explanation, can explain, as Bhardwaj ji has rightly said, the reasons for his resignation. But there cannot be a debate on that issue. There ends the matter. Here, the Member has not so far explained his reasons. If he chooses to explain, even now he can come to the House, take your permission, Mr. Chairman, through the appropriate rule and make an explanation. The issue should be taken as closed there.

Secondly, some Members were asking that the Government should explain why the Minister is dropped. This is never done, to my knowledge of parliamentary history. It is the prerogative, in the parliamentary system, of the Prime Minister, to appoint or drop Ministers, or change their portfolios. And it is also a well-accepted system. This issue does not come under that particular category.

The third point is with regard to the documents. It is very important. There is no doubt about it. Nobody can deny the fact that if some documents of the Government are used by persons who have ceased to be in office, whether it should be allowed, is a valid question. This question needs study not only by the Government but also by the House. In the particular instance, the allegation is not against the Government servant or ordinary public. It is about a Member of Parliament. In the little wisdom that I have about the parliamentary practice, the Member is not here in the House. We have also seen rules 238A and 241. The Member concerned is not here. But we are making allegations, sweeping remarks, against that particular Member without even hearing the Member. My suggestion is this. In the morning, we had foregone half an hour of the Question Hour. The Chairman himself thought that it was very important and he allowed the discussion. We have not questioned it. Now, the disinvestment discussion is going on which is another important issue. Because the Government is committed to transparency, because the Government is committed to democratic principles and parliamentary democracy and it responded immediately, unless you issue a notice, unless you raise an issue through a substantive motion in the House, questions cannot be put like this saying, "Common on, give the reply here and now itself." I am not going to use the other word used by my friend. He is a very senior man. He also offered to withdraw it. The Chairman may delete it from the record. But this never happens. At that time, the Minister came from the Lok Sabha here. He immediately said within one hour, it would be done. I was wondering if it was possible to be done within one hour. Government is not there just in the corridors of Parliament. People have to go and get it. Still, they have kept their word. This has been referred to you, Sir. It is for the hon. Chairman to decide whether to allow him or not. *(Interruption)*. Sir, his facial movements are distracting my thought. *(Interruptions)*. It was a mistake of mine. I could have seen the Chairman's face, not your face. *(Interruptions)*. My point is, if the Chairman allows him to make an explanation about that issue, yes. If he does not allow him, if it does not fall within the rules, rule 241 and the precedents of the House, then, it is for the Chairman to decide.

With regard to the other issue of the so-called documents, Sir, every secret does not come under the Official Secrets Act. This is my understanding of law. Every secret does not come under the Official Secrets Act. *(Interruptions)*.

SHRI NILOTPAL BASU: Many secrets you know that we do not know. *(Interruptions)*.

SHRI M. VENKAIAH NAIDU: No problem.

SHRI KAPIL SIBAL: Will you yield to me for a minute? *(Interruptions)*. The correspondence between the Chief Justice of India and the Law Minister is a secret document. You know that, I know that.

SHRI M. VENKAIAH NAIDU: As Members of Parliament, unless we are told what those documents are, either by...*(Interruptions)*.

SHRI KAPIL SIBAL: Now, the Minister has said that those are secret documents. Therefore, there is no debate on that.

SHRI M. VENKAIAH NAIDU: He did not mention a particular document.

SHRI KAPIL SIBAL: Whatever it may be.

SHRI M. VENKAIAH NAIDU: My point is, it is a wider issue. On that issue, there has to be a separate notice, separate discussion. It has to be settled. I am not disputing that point. The point is, now itself, going all-out and then making all sorts of sweeping allegations, I don't think, will add to the name and fame of this House or the prestige of the debate of this House. I request the Chairman that in the interest of public, the disinvestment debate which is going on, which is very important, should be allowed and the Members can give notice on this particular aspect, and as per the relevant rules, the issue can be discussed very clearly. Sir, if you say, 'now itself, come on', and then somebody else says, 'decide it right now, come on, whether you are going to do it or not', is it the way that we conduct this House? I don't think this is the way. Nowhere it is allowed. I am simply urging the Chairman to see to it that we conduct the business and we perform our public responsibility properly. This is an issue for which a separate notice is needed and it has to be allowed only then.

श्री संजय निरुपम : चैयरमेन साहब, सुबह से सदन में जो विवाद का मुद्दा छाया है, वह सिर्फ इतना है कि श्री राम जेटमलानी जी ने जो दस्तावेज सेक्रेटरीएट को दिए हैं, उन दस्तावेजों के संदर्भ में सरकार की क्या भूमिका है, सरकार क्या मानती है। अभी-अभी कुछ क्षण पहले हमारे कानून मंत्री जी ने सदन में साफ-साफ शब्दों कहा कि वह सारे दस्तावेज सीक्रेट हैं, एक बात। दूसरी बात उन्होंने कही कि उन्हें इस तरह से पब्लिक करना एक गलत बात है, एक क्राइम है, एक ऑफेंस है जिस की छानबीन होगी। महोदय, सरकार का स्टैंड इस मुद्दे पर अब बिल्कुल क्लियर हो गया है। सरकार इस पूरे मामले की छानबीन करेगी और मुझे लगता है कि अब इस विषय को आगे खींचने की जरूरत नहीं है। इसे सरकार के धरोसे छोड़ देना चाहिए और डिस-इन्वेस्टमेंट के मुद्दे पर जो दोनों तरफ के सदस्यों के लिए बहुत ही महत्वपूर्ण विषय है, तत्काल चर्चा शुरू होनी चाहिए। महोदय, मुझे आज मुँहई जाना है और मैं डिस-इन्वेस्टमेंट के मुद्दे पर बोलकर जाना चाहता हूँ। कृपया मुझे मौका दिया जाए कि मैं डिस-इन्वेस्टमेंट के मुद्दे पर अपने विचार रख सकूँ करना यह जो कि मेरा प्रिय विषय है, मुझ से छूट जाएगा। तो सदन के दोनों तरफ के सदस्यों से मेरा अनुरोध है, चैयरमेन साहब से मेरा अनुरोध है कि...*(व्यवधान)*...

SHRI DIPANKAR MUKHERJEE: We would like to know whether there has been a strategic sale of a Minister. That is what we want to know. *(Interruptions)*

SHRI M. VENKAIAH NAIDU: The same thing is not happening now. So, there is a difference. *(Interruptions)*

SHRI S. PETER ALPHONSE (Tamil Nadu): Sir, I want to make one submission.

MR. CHAIRMAN: What do you want to say? All the points have already been made.

SHRI S. PETER ALPHONSE: Sir, the Minister has just said that the Council of Ministers is responsible to the House and the House is responsible to the people. The news-item in various newspapers today has created suspicion throughout the country about every institution under the Constitution. So, the Government is under a bounden duty to explain to the people, not to this House, what has gone wrong. He has questioned the character and the functioning of all institutions. I do not want to mention those names -- the highest office of the land, the highest judicial officer of the land, the highest legal officer of the land. The Minister has questioned the statement and has cast aspersions on every institution. I request the Law Minister because he knows law better than me...*(Interruptions)*

MR. CHAIRMAN: The Minister has already replied. *(Interruptions)*

श्री संजय निरुपम : चैयरमैन साहब मेरा निवेदन है कि अब इस मुद्दे को यहीं खत्म किया जाए और डिस्-इनवेस्टमेंट के मुद्दे पर चर्चा शुरू कराई जाए।

SHRI S. PETER ALPHONSE: Sir, I should be heard. Mr. Sanjay Nirupam, are you going to allow me to speak or not? *(Interruptions)* I am not yielding.

श्री संजय निरुपम : चैयरमैन साहब, मिनिस्टर साहब ने आलरेडी अपनी बात रख दी है और सरकार ने अपना स्टैंड क्लियर कर दिया है, इसलिए अब इस विषय को यहीं छोड़ दिया जाए और डिस्-इनवेस्टमेंट के मुद्दे पर आगे चर्चा शुरू की जाए। It has become a non-issue. That is what I am telling you.

SHRI S. PETER ALPHONSE: Sir, the Indian Penal Code provides punishment not only for theft but also for possession of stolen property. The Minister has said that it does not need any probe.

The fact is that he himself admits that those documents are stolen, and once an ex-Minister says that he is in possession of a particular property, he has to be prosecuted and an FIR has to be registered. *...(Interruptions)...* However, the Government does not take that step.

MR. CHAIRMAN: That is all. ...*(Interruptions)*..

SHRI S. PETER ALPHONSE: We feel, the Government has got some skeleton, something to hide. He wants to come through the backdoor to keep all the secrets under the carpet. The Government should come clean.. It should place the facts before the House as well as the people. Otherwise, the Government is guilty. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: What is 'guilty'?

SHRI RAVI SHANKAR PRASAD: Sir, please allow me to speak. Only one point I want to make. ...*(Interruptions)*... Only one point I want to raise. ...*(Interruptions)*...

†श्री मोहम्मद सलीम : मंत्री जी जब रिजाइन कर गए तो ऐज ए मेम्बर उनका स्टेटमेंट आपके कंसिडरेशन में है और आपने जैसा कहा है कि वे मॉडिफाई करके देंगे, उसके बाद आप अलाऊ करेंगे या नहीं वह आपका राइट होगा। सुबह से हम लोग यही बात कह रहे थे कि यहां दो मामले इन्वॉल्व हैं। इस मामले पर मैं कुछ नहीं बोलना चाहता, हाऊस भी कुछ नहीं बोलना चाहता। वे सदस्य की हैसियत से और आपकी परमिशन के मुताबिक स्टेटमेंट देने आएंगे, कैसे देंगे, कौन सी बात बताएंगे, वह आप जानते हैं या वे जानते हैं, जब तक हाऊस में नहीं आएगा तब तक यह हमारा मामला नहीं है। आज मामला यह है ...*(व्यवधान)*... मैं प्रधान मंत्री जी की बात से शुरू करता हूं। ...*(व्यवधान)*...

SHRI RAVI SHANKAR PRASAD: Sir, there is only one point. ...*(Interruptions)*...

†श्री मोहम्मद सलीम : प्रधान मंत्री की बात आप सुन लीजिए जो सुबह 11:30 बजे उन्होंने सदन में कही है कि एक घंटे के अंदर कानून मंत्री आएंगे, सब तथ्य सामने आ जाएंगे। ...*(व्यवधान)*...

SHRI RAVI SHANKAR PRASAD: Sir, I am on a point of order. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Sir, he is misleading the House. ...*(Interruptions)*... He is misleading the House. ...*(Interruptions)*...

श्री रामदास अग्रवाल : प्रधान मंत्री जी ने सुबह भी कहा था कि मुझे घसीटा जा रहा है। ...*(व्यवधान)*...

SHRI MD. SALIM: This is the assurance given by the Prime Minister. ...*(Interruptions)*... सर, आप इजाजत दीजिए, मैं प्रधान मंत्री जी की पूरी बात पढ़ रहा हूं। ...*(व्यवधान)*...

SHRI T.N. CHATURVEDI (Uttar Pradesh): Sir, why is he taking the Prime Minister's name? ...*(Interruptions)*...

†Transliteration of the speech in Persian Script is available in Hindi version of the debate.

SHRI MD. SALIM: I quote ...*(Interruptions)*... I quote
...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: As usual, the House is being
disturbed. ...*(Interruptions)*...

†श्री मोहम्मद सलीम : मैं प्रधान मंत्री जी को कोट कर रहा हूँ। प्रधान मंत्री जी की ऑज 27 अगस्त की स्पीच से मैं सिर्फ लास्ट लाइन पढ़ रहा हूँ, पूरी स्पीच नहीं पढ़ रहा हूँ :-

'यह गंभीर मामला है, लेकिन जो डाक्यूमेंट्स छपे हैं, वे सीक्रेट हैं या नहीं हैं, इसके लिए जांच करनी पड़ेगी और यही हमारा कानून मंत्रालय कर रहा है। एक घंटा इंतजार कीजिए, सारे तथ्य सामने आ जाएंगे।'

SHRI DIPANKAR MUKHERJEE: This is what the Prime Minister
said. ...*(Interruptions)*...

SHRI T.N. CHATURVEDI: What is the source of the document?
...*(Interruptions)*... What is the source of the document? ...*(Interruptions)*...

†श्री मोहम्मद सलीम : सारे तथ्य जब तक सामने नहीं आते ...*(व्यवधान)*...

MR. CHAIRMAN: Please sit down. Please sit down.
...*(Interruptions)*... Please sit down. I think much has been made of the
Prime Minister's statement. The Prime Minister has said that the Ministry
has taken the stand on some of the documents now. Within one hour, the
reply came from the Ministry, in which they have said that some of the
documents, annexed by Shri Ram Jethmalani, are marked
"secret/confidential" and cannot be used by the former Minister. It is very
clear now. And further inquiry, the Minister has said, he will make. What
more is required to be done? What more is required to be done?
...*(Interruptions)*...

SHRI KAPIL SIBAL: Sir, that is the point. Once he is in possession
of a document, the Government has to inquire into that matter.
...*(Interruptions)*... What is the inquiry? ...*(Interruptions)*...

SHRI RAJU PARMAR (Gujarat): What is to be inquired into?
...*(Interruptions)*...

SHRI KAPIL SIBAL: What is to be inquired into?

†श्री मोहम्मद सलीम : मैं प्रधान मंत्री जी की पूरी बात पढ़ रहा हूँ :-

'सभापति महोदय, मैं समझता था कि यह मामला त्याग-पत्र देने वाले
मंत्री और आपके बीच में है, लेकिन मुझे इसमें घसीटा जा रहा है। नियमों
के अनुसार और उनका सिबल साहब ने उल्लेख किया कि त्याग-पत्र देने
वाला मंत्री जिस सदन का सदस्य है, उसमें वक्तव्य दे सकता है। आपने
संबंधित सदस्य को वक्तव्य देने के लिए कहा था, उनका नाम श्री ऑर्डर-

†Transliteration of the speech in Persian Script is available in Hindi version of the
debate.

पेपर में आ गया। लेकिन, सर, आपने नियमों के अनुसार जब कसीटी पर कसकर देख तो मुझे ऐसा लगता है कि आप इस नतीजे पर पहुंचे कि इस तरह का वक्तव्य सदन में नहीं हो सकता।'...(व्यवधान)...

SHRI T.N. CHATURVEDI: Whatever has been said by the Prime Minister has been done. ...*(Interruptions)*...

श्री मोहम्मद सलीम : अभी सीक्रेट डॉक्यूमेंट्स की बात उठाई गई है। प्रधानमंत्री ने खुद सुबह अपने बयान में इन दो मामलों को अलग किया है। जहां तक वक्तव्य का सवाल है, वह आप देखेंगे ...*(व्यवधान)*...अरे, अपने नेता की बात तो मानो। मैं ये अपने शब्द नहीं कह रहा हूँ ...*(व्यवधान)*...अभी सीक्रेट डॉक्यूमेंट्स की बात उठाई गई है, यह अलग बात है। लॉ मिनिस्टर कह रहे हैं कि हां, ये सीक्रेट डॉक्यूमेंट्स हैं और प्रधानमंत्री खुद कह रहे हैं कि लॉ मिनिस्ट्री जांच कर रही है, एक घंटे के अंदर बात सामने आ जाएगी ...*(व्यवधान)*...

SHRI T.N. CHATURVEDI: As regards the source of leakage, some new facts have come. *(Interruptions)*...

श्री मोहम्मद सलीम : सर, इस सदन को अधिकार है ...*(व्यवधान)*... आज लॉ मिनिस्टर यहां हैं, वह बताएं ...*(व्यवधान)*...कहां तक ले जाएंगे आप इस मामले को ...*(व्यवधान)*...

श्री खान गुफरान जाहिदी (उत्तर प्रदेश) : एक घंटा तीन घंटे में बदल गया ...*(व्यवधान)*...

SHRI T.N. CHATURVEDI: The Law Minister has already gave an assurance to the House. *(Interruption)*

श्री मोहम्मद सलीम : कपिल सिबल साहब ठीक कह रहे हैं। जब तक यह मामला तय नहीं होता, दूसरा कोई मामला बिजनैस में नहीं आएगा।

श्री कपिल सिबल : अगर उनके पोजेशन में डॉक्यूमेंट्स हैं ...*(व्यवधान)*... फिर कौन सी इन्वेस्टिगेशन आपको करनी है ...*(व्यवधान)*...

श्री खान गुफरान जाहिदी : कोई मर्यादा नहीं है ...*(व्यवधान)*... एक घंटे के बजाय 3 घंटे हो गए, अभी तक कुछ नहीं हुआ ...*(व्यवधान)*...

SHRI KAPIL SIBAL: I don't understand it. *(Interruptions)*... When it is confirmed by the hon. Minister that he is in possession of some important documents, what other inquiry has to be conducted? I don't understand it. *(Interruptions)*...

श्री खान गुफरान जाहिदी : एक घंटे के बजाय 3 घंटे हो गए हैं ...*(व्यवधान)*...

SHRI KAPIL SIBAL: He will continue to misuse these documents. *(Interruptions)*.... If action is not taken, he will continue to misuse these documents. He will leak them to the Press tomorrow again. *(Interruptions)*.... He will give them further to unauthorised persons. *(Interruptions)*.... Mr. Chairman, Sir, you consider the consequences of the

† Transliteration of the speech in Persian Script is available in Hindi version of the debate.

inaction of the Government. *(Interruptions)*... You consider the consequences of the inaction of the Government. *(Interruptions)*....

SHRI T.N. CHATURVEDI: There is no inaction on the part of the Government. *(Interruptions)*... You are overactive. *(Interruptions)*... That is the whole trouble. *(Interruptions)*... There is no inaction on the part of the Government. *(Interruptions)*...

SHRI KAPIL SIBAL: You are not acting at all. *(Interruptions)*... He will further give these documents to unauthorised persons. *(Interruptions)*...

SHRI HANSRAJ BHARDWAJ: He is misusing the documents. *(Interruptions)*... Why don't you stop it? Do you want it to be misused? *(Interruptions)*... That is the whole dimension of the issue. *(Interruptions)*... What action are you taking? *(Interruptions)*.... He has filed it in the Secretariat. There is no need of any proof. *(Interruptions)*...

SHRI KAPIL SIBAL: What other inquiry do you want? *(Interruptions)*... What proof do you want? *(Interruptions)*...

SHRI T.N. CHATURVEDI: After all, the matter is very serious. *(Interruptions)*...

SHRI HANSRAJ BHARDWAJ: The Secretariat has confirmed that he has filed them here. *(Interruptions)*... You can take judicial notice of it. *(Interruptions)*... No discussion is required. You perform your duty. *(Interruptions)*... Every day you catch people under the Official Secrets Act. *(Interruptions)*... Are you willing to take action against him? *(Interruptions)*... He will be misusing them every day. *(Interruptions)*... Why are you dragging unnecessarily the Rajya Sabha Secretariat into this issue? *(Interruptions)*... Why do you bring these people into it? *(Interruptions)*...

SHRI B.P. SINGHAL (Uttar Pradesh): Sir, may I have your indulgence? *(Interruptions)*...

SHRI HANSRAJ BHARDWAJ: You catch him wherever he is and seize these documents. *(Interruptions)*... Every day the police catch the poor people. *(Interruptions)*...

SHRI B.P. SINGHAL: Bhardwaj Ji, I have been granted permission by the Chair. *(Interruptions)*... I have been given permission to speak by the Chair. *(Interruptions)*...

SHRI HANSRAJ BHARDWAJ: Today, Mr. Chairman, the Press report is becoming a time-bomb. *(Interruptions)*... The former Law Minister has overnight become a time-bomb in the newspapers.

...(Interruptions)...Why are you so scared about this time-bomb?
...(Interruptions)...

श्री रवि शंकर प्रसाद : जो मेंबर यहां पर नहीं हैं उनके बारे में ऐसा बोल रहे
...(अवधान)... Sir, it is highly malicious. It is highly defamatory.
(Interruptions)... He is calling a Member of the House as a time-bomb.
...(Interruptions)... It is highly defamatory. ...(Interruptions)... Rule 238A says
that no allegation of a defamatory or incriminatory nature shall be made by
a Member against any other Member. ...(Interruptions)... He knows it and he
calls him a time-bomb. ...(Interruptions)... It is a serious matter.
...(Interruptions)...

SHRI T.N. CHATURVEDI: Is it the dignity of an hon. Member of
this House? ...(Interruptions)...

श्री गुलाम नबी आज़ाद (जम्मू और कश्मीर) : आप न्यूजपेपर पढ़ते हैं ? आप इंडियन
एक्सप्रेस पढ़िए; पढ़कर देखिए।

SHRI HANSRAJ BHARDWAJ: You know the definition of the
Official Secrets Act. (Interruptions).... You cannot disclose as to what is the
correspondence between the Minister and the Chief Justice. You cannot
disclose it. It is a secret communication and it is a matter of privilege. You
cannot throw it out like this. You catch the documents wherever they are
so that they are not misused in future. ...(Interruptions)...

SHRI B.P. SINGHAL: Sir, what I have to say is absolutely outside
the scope of the subject which we are discussing. I have to say only one
thing. ...(Interruptions)... I have to say one thing. There are legal luminaries
here.

SHRI KAPIL SIBAL: Sir, he is...

SHRI B.P. SINGHAL: Sir, is he the only person who can speak
here? (Interruptions). There are many legal luminaries present here. I have
also served law for a while. The important thing which we have to find out
is this. It is not that if any officer or any Minister writes 'secret' on a
document, that document becomes secret. It is defined in the Act as to
what is a secret document. An inquiry will have to determine whether
marking it as 'secret' was in accordance with the Act or not.
...(Interruptions)... If somebody writes a letter to my wife and if I say that it
is secret, will it become secret? ...(Interruptions)...

SHRI KAPIL SIBAL: That has already been done. ...(Interruptions)...

SHRI K. RAHMAN KHAN: He has already written that certain
documents were confidential. ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, either we can have this * to go on or we can adjourn...*(Interruptions)*... This is nothing but a *
...*(Interruptions)*...

SHRI T.N. CHATURVEDI: The hon. Minister has already said that the consequences of leakage of secret documents would follow according to the law. That is what he has already said. What else do you want?
...*(Interruptions)*...

श्री रामचन्द्र खूटिआ (उड़ीसा) : सरकार भी उन्ही की है तो फिर बतलाने में क्या दिक्कत है? ...*(व्यवधान)*...

श्री रामदास अग्रवाल : सभापति महोदय, आपने शायद मुझे डिस-इंवेस्टमेंट पर बात करने की अनुमति दी है। ...*(व्यवधान)*... मैं उनकी इजाजत से खड़ा हुआ हूँ।

सभापति महोदय, मुझे यह कहना है कि पता नहीं, डिस-इंवेस्टमेंट कौन सी तारीख और कौन से मुहूर्त में लागू हुआ था और जब से यह डिस-इंवेस्टमेंट की चर्चा हुई उस समय से कई सरकारें बदल गई, कई मंत्री बदल गए और अभी तीन दिन पहले भी एक मंत्री बदल गए। यह डिस-इंवेस्टमेंट का मुहूर्त कौन सा था, इसको जरा बदलिए। इस डिस-इंवेस्टमेंट का मुहूर्त बदलिए, वरना डिस-इंवेस्टमेंट के नाम पर सरकार बदल रही हैं, मंत्री बदलते रहे हैं और विचार बदल रहे हैं, व्यवस्था बदलती रही है, तौर-तरीका बदलता रहा है और यह डिस-इंवेस्टमेंट का काम किसी ने पूरा नहीं किया। सभापति महोदय, मैं कहना चाहता हूँ कि डिस-इंवेस्टमेंट ...*(व्यवधान)*... सभापति महोदय, यह 1991-92 का इनका बोया हुआ बीज है जो हम काट रहे हैं। आपने बीज बोया था उसके कांटे हम साफ कर रहे हैं। आपने बीज बोया था 91-92 में। ...*(व्यवधान)*... 1997-98 में आपने उनको समर्थन दिया था। ...*(व्यवधान)*...

श्री सुरेश पचीरी : सर, वह * शब्द जो प्रयुक्त हुआ है वह कार्रवाई से निकाला जाए। इस संबंध में हम आपका मार्ग-दर्शन चाहेंगे। ...*(व्यवधान)*...

श्री रामदास अग्रवाल : कितना भ्रष्टाचार हुआ है उसमें उसका अंदाजा किया है आपने? ...*(व्यवधान)*... कितना भ्रष्टाचार हुआ है, बंडलबाजी की गई है शेयर्स में, हजारों करोड़ों रुपए की बंडलबाजी हुई है। ...*(व्यवधान)*...

श्री सभापति : वह शब्द रूल्स के मुताबिक अनपार्लियामेंटरी है, उसको निकाल दिया जाए।

SHRI M. VENKAIAH NAIDU: Is twenty Members standing at one time and speaking not unparliamentary? *(Interruptions)*

श्री संजय निरुपम : सर, यह * नहीं है तो क्या है ? ...*(व्यवधान)*...

SHRI MD. SALIM: Sir, now they are questioning your ruling also...*(Interruptions)*

*Expunged as ordered by the Chair.

[27 JULY, 2000]

RAJYA SABHA

SHRI M. VENKATRAH NAIDU: If * is not going on, is it that a very meaningful discussion is going on in this House? *(Interruptions)* Sir, I accept that a very meaningful, constructive and a serious Parliamentary debate is going on in the House... *(Interruptions)*

श्री संजय निरुपम : आप लोम और कर क्या रहे हैं । ...*(व्यवधान)*...

श्री रामदास अग्रवाल : यह जो हो रहा है, इसकी क्या परिभाषा है , इसका क्या अर्थ है? यह किस रूप में हम डिस्कस कर रहे हैं ? ...*(व्यवधान)*... यह तो पता लगे । यह किस रूप में डिस्कस हो रहा है । हम केवल केते हैं ...*(व्यवधान)*...

श्री संजय निरुपम : यह नहीं है तो क्या है? ...*(व्यवधान)*...

श्री रामदास अग्रवाल : समाप्ति महोदय, यह जो हो रहा है, इसकी क्या परिभाषा है, यह तो हमें बताइए? ...*(व्यवधान)*...

MR. CHAIRMAN: Nothing will go on record... *(Interruptions)* Now all other things are over and the debate must continue... *(Interruptions)* Otherwise, I adjourn the House for the day... *(Interruptions)* Now, I adjourn the House for the day.

The House then adjourned at forty-seven minutes past two of the clock till eleven of the clock on Friday, the 28th July, 2000.