

3. Shri Ajay Sancheti
4. Shri Madhusudan Mistry
5. Shri Mani Shankar Aiyar
6. Dr. Bhalchandra Mungekar
7. Shri Naresh Agrawal
8. Shri K.C. Tyagi
9. Shri Derek O' Brien
10. Shri A. Navaneethakrishnan
11. Shri Satish Chandra Misra
12. Shri K.N. Balagopal
13. Shri Dilip Kumar Tirkey
14. Shri C.M. Ramesh
15. Shri Praful Patel
16. Shrimati Kanimozhi
17. Shri Anil Desai
18. Shri Naresh Gujral
19. Mir Mohammad Fayaz
20. Shri D. Raja
21. Shri Rajeev Chandrasekhar

with instructions to report to the Rajya Sabha by the last day of the first week of the next Session."

The motion was adopted.

ISSUE RAISED REGARDING DISCUSSION ON CORRUPTION

MR. DEPUTY CHAIRMAN: Now Shri Arun Jaitley to move a motion for consideration of the Companies (Amendment) Bill, 2014. ...*(Interruptions)*...

LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD): Sir, as I said in the beginning, we have been agitating since Friday, last week. Now I would request that there should be a discussion on the subject. On the issue which we have discussed, there should either be a fresh statement by the Minister or a fresh statement by any of his Cabinet colleagues. But there has to be a discussion on that subject. Maybe, you may call it 'clarifications'. But it cannot be a two or three minutes' business. What we want is to have it, in lieu of the discussion, maybe, in the form of a clarification. But I would request that the time restriction should not be there.

श्री नरेश अग्रवाल (उत्तर प्रदेश) : माननीय सभापति जी, मेरा कहना है कि इस पर अगर डिस्कशन जनरल भ्रष्टाचार के रूप में हो जाए, तो बेहतर होगा। खाली गडकरी जी के ऊपर ही क्यों हो? अगर इसके माध्यम से जनरल भ्रष्टाचार पर डिस्कशन हो जाए, तो वह शायद ज्यादा अच्छा रहेगा। ...**(व्यवधान)**...

THE MINISTER OF STATE IN THE MINISTRY OF MINORITY AFFAIRS; AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKHTAR ABBAS NAQVI): It is a good idea.

श्री नरेश अग्रवाल : वह ज्यादा अच्छा रहेगा।...**(व्यवधान)**... श्रीमन्, जनरल भ्रष्टाचार पर चर्चा हो जाए, तो अच्छा रहेगा। इसे खाली एक ही नाम पर केन्द्रित न कर के यदि जनरल भ्रष्टाचार पर चर्चा हो जाए, तो ज्यादा अच्छा रहेगा। ...**(व्यवधान)**...

SHRI ANAND SHARMA (Rajasthan): The point is, this matter has been raised. मैं इसलिए यह बात कहना चाहता हूँ कि यह एक विषय है, क्योंकि यह विषय इस सदन में शुक्रवार को उठाया गया, फिर कल भी उठा और आज भी। सी.ए.जी. की रिपोर्ट के बाद सदन में गतिरोध चल रहा है और आज भी हमारी ओर से नोटिस दिया गया है। मंत्री जी कल आए थे। इन्होंने अपना वक्तव्य दिया। इसलिए जो इस सदन की परम्परा है, सदस्यों का अधिकार है कि अगर वे संतुष्ट नहीं हैं, तो वे अपनी ओर से क्लैरिफिकेशन मांगें और मंत्री जी उसका जवाब दें। यह सदन की परम्परा है।

महोदय, श्री नरेश अग्रवाल जी ने जो दूसरी बात कही, वह अच्छी कही और मैं उससे भी मुतफिक हूँ। चूँकि यह बात बार-बार कही जाती है, माननीय नेता सदन भी कहते हैं और मित्र भी कहते हैं, करप्शन पर चर्चा हो जाए, स्कैम पर चर्चा हो जाए। अगले सत्र में वह भी हो जाए। ...**(व्यवधान)**... और खुल कर हो...**(व्यवधान)**... हम बता देंगे, पिछले 25 साल का और आईना दिखाएंगे, आप कोई गंगा में डुबकी मार कर नहीं आए हो ...**(व्यवधान)**... आप कोई सफेदपोश नहीं हो ...**(व्यवधान)**... वह भी हम बता देंगे। उसके लिए भी हम तैयार हैं। बिलकुल तैयार हैं। ...**(व्यवधान)**...

MR. DEPUTY CHAIRMAN: Okay, Anand Sharmaji. Now, Mr. Minister.

शहरी विकास मंत्री, आवास और शहरी गरीबी उपशमन मंत्री, तथा संसदीय कार्य मंत्री (श्री एम. वेंकैया नायडु): माननीय उपसभापति महोदय, इस भ्रष्टाचार के बारे में मई, 2014 में चर्चा हो चुकी है और उसका नतीजा भी निकल चुका है।

[श्री एम. वेंकैया नायडु]

महोदय, हमारे मित्र श्री नरेश अग्रवाल, भ्रष्टाचार के बारे में दुबारा चर्चा कराना चाहते हैं और यदि श्री आनन्द शर्मा जी भी रेडी हैं, तो आगे जैसा उन्होंने कहा, अगले सेशन में उसके बारे में जरूर चर्चा होगी, ...(व्यवधान)... मैं वही कह रहा हूँ कि अगले सेशन में उसके ऊपर चर्चा हो जाएगी। इस सेशन का कल आखिरी दिन है। इस सेशन में केवल कल का ही दिन बचा है। इसलिए अगले सेशन में उस बारे में भी चर्चा करेंगे।

सर, जहां तक यह विषय है, I only request the Congress (I) party friends, who are in good number here, that first the Leader speaks, then, the Deputy Leader speaks, ऐसी पद्धति नहीं होनी चाहिए। The Leader has made a point. The Government is ready. My point is, the matter has been raised and the Chair has allowed the Minister to make a statement. It was not heard properly. Now the Leader of the Opposition is saying, "Let the statement be made again." If the Chair gives permission, then, we have no problem. Now, this is a personal clarification because his name has been taken. There is no corruption involved in it at all. There is no allegation. There is only a question of some sort of a settlement. But since his name has been taken, he is duty-bound to respond, and he will respond. If still hon. Members have got any doubts in their minds, he will, definitely clarify them. I only appeal to the entire House to do this and then proceed with the business. We have the Companies (Amendment) Bill and we have two or three other Bills, that is, Whistleblowers Protection (Amendment) Bill, the Prevention of Corruption (Amendment) Bill, etc. Let us discuss them also and move forward. That is my appeal. I have no problem as far as the Leader of the Opposition's suggestion is concerned. If they want the statement to be made again, and the Chair permits, he will make a statement. Otherwise, we can have clarifications straightaway, but clarifications also cannot be speeches. The Leader of the Opposition is aware of it. He has been a Minister for a long time.

SHRI GHULAM NABI AZAD: Whosoever want to seek clarifications, let them seek clarifications.

MR. DEPUTY CHAIRMAN: Let me take a decision. I will come back to that.

श्री नरेश अग्रवाल : सर, एक प्वाइंट ऑफ ऑर्डर है।

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

श्री नरेश अग्रवाल : श्रीमन्, कल कर्णाटक ...(व्यवधान)... सुन लीजिए प्लीज। कल कर्णाटक हाई कोर्ट का एक जजमेंट आया। ...(व्यवधान)... यह मैं इसलिए उठा रहा हूँ क्योंकि वह हम सबसे संबंधित है। जो भ्रष्टाचार की बात उठी, उसी वजह से मैं इसको discuss कर रहा हूँ, उसी वजह से मैं इसको उठा रहा हूँ, क्योंकि माननीय सर्वोच्च न्यायालय के एक आदेश से यह हो गया कि अगर किसी भी एमएलए या एमपी को तीन साल की सजा हो जाएगी, तो उसकी मेम्बरशिप चली जाएगी। श्रीमन्

...(व्यवधान)... आप the Representation of the People Act of Indian Constitution, आईपीसी, सीआरपीसी सब देख लीजिए, कहीं भी यह लॉ नहीं है कि किसी एक अदालत की सजा का पनीशमेंट उसको ज़िंदगी भर भुगतना पड़ेगा। श्रीमन्, ज्यूडिशियरी के चार सिस्टम हैं - लोअर कोर्ट, सेशन कोर्ट/डिस्ट्रिक्ट कोर्ट, हाई कोर्ट and then सुप्रीम कोर्ट। श्रीमन्, अगर लोअर कोर्ट, जैसा जयललिता जी के लिए हुआ कि उनको एक सेशन कोर्ट ने चार साल की सजा दे दी, उनकी एमएलएशिप चली गई और उनको रिजाइन करना पड़ा। अब हाई कोर्ट ने उनको दोबारा बहाल कर दिया और उन आरोपों को खारिज कर दिया, जो भ्रष्टाचार के आरोप थे, तो उनकी मेम्बरशिप बहाल क्यों नहीं हुई?

श्रीमन्, मैं नेता सदन से पूछना चाहता हूँ, जो बैठे हुए हैं और बहुत काबिल वकील हैं, हम उतने काबिल वकील नहीं हैं, लेकिन मैं चाहूंगा कि ये बताएं कि कांस्टीट्यूशन की किस धारा में, The Representation of the People Act की किस धारा में माननीय सर्वोच्च न्यायालय का वह आदेश कानून बन गया? श्रीमन्, कानून बनाने का अधिकार तो हमको है, इस सदन को है और उस सदन को है। केवल सुप्रीम कोर्ट ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: I have allowed him. Keep quiet.

श्री नरेश अग्रवाल : माननीय सर्वोच्च न्यायालय का कोई जजमेंट कानून बन जाएगा, यह भी एक प्रश्नचिह्न है। अगर वह कानून बन गया तो हम लोगों के अधिकार कहां रह जाएंगे? इसलिए मैं चाहता हूँ कि इस पर रूलिंग होनी चाहिए, क्योंकि ऐसे तो भ्रष्टाचार की इतनी बड़ी परिभाषा हो गई है कि हर एमएलए, हर एमपी की मेम्बरशिप खतरे में हो गई है। अब भाई प्रमोद जी तो उसी का लाभ उठाकर आ गए...

MR. DEPUTY CHAIRMAN: Okay. I got your point. ...(Interruptions)... Okay.

श्री नरेश अग्रवाल : वह सीट खाली हो गई। तो मैं चाहूंगा कि इस पर आप अपनी रूलिंग दे दें और मैं चाहूंगा कि नेता सदन अगर इसको क्लैरिफाई कर दें तो ज्यादा अच्छा होगा।

MR. DEPUTY CHAIRMAN: Okay. Now let me first dispose of the first issue and then I will come back to you.

श्री नरेश अग्रवाल : इस पर जजमेंट रिजर्व कर लीजिए।

श्री उपसभापति : इसके बारे में जो बात है ...(व्यवधान)... Since you have raised it, ...(Interruptions)...

श्री नरेश अग्रवाल : इस पर रूलिंग रिजर्व कर लीजिए। यह सबसे जुड़ी हुई बात है, अकेले मेरी नहीं है। यह सारे हाउस से जुड़ी हुई बात है।

MR. DEPUTY CHAIRMAN: Let me come to that. What Naresh Agrawalji has raised is a very important point, but, as you said, I am also not a *vakeel* in that way. I am not an expert on Constitution or on Law.

श्री प्रमोद तिवारी (उत्तर प्रदेश) : डिप्टी चेयरमैन सर... रूलिंग देने से पहले एक चीज़ आप सुन लीजिए।

MR. DEPUTY CHAIRMAN: I am not giving a ruling. Let me speak what I have to speak.

श्री प्रमोद तिवारी : आप सुन लीजिए, आप मुझे सुन लीजिए! ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: You cannot run the House because it is a point of order which I have to dispose of now.

SHRI BHUBANESWAR KALITA(Assam): Under what rule? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: What do you want? ...*(Interruptions)*... I am not allowing anybody to speak. I allowed him. ...*(Interruptions)*... I heard it. So, I want to react on that. Please sit down.

SHRI BHUBANESWAR KALITA: A point of order has to be under some rule. Under what rule is he speaking? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: You sit down. Who are you to ask me for rules? Whom are you asking for rules? Are you asking me the rule? ...*(Interruptions)*... You sit down. What are you doing?

SHRI M. VENKAIAH NAIDU: Normally, we should not question the Chair.

MR. DEPUTY CHAIRMAN: I feel what he raised is relevant. I am telling you that I had also felt many a time that if a lower court has sentenced somebody and convicted, and if the Higher Court has reversed that judgment, what is the remedy for him if his membership is over? This is a point of law which he raised; I am not able to give a decision on that but this is a matter to be examined by an expert of law, by the lawyers. I leave it to the House. Or anybody can give a motion; then we can consider it. Now, let me come to the ruling on the relevant issue that we have been discussing about. See, now, hon. Leader of the Opposition has raised the issue saying that he wants a discussion on the statement made by Shri Nitin Gadkari yesterday. He also said, if necessary, the statement can be made again. In this regard, the Government also said that it has no objection. But, I would like to say one thing. The first one is: Already a statement has been made.

SHRI D. RAJA (Tamil Nadu): Nobody heard the statement.

MR. DEPUTY CHAIRMAN: Please, listen to me. With my permission, a detailed statement was made. It was readout. It is on record. If somebody has not heard it, it

was because they were making noise. It is on record. It was made yesterday. So, that statement cannot be made again.

Secondly, since the statement is in order and allowed by me, this morning itself, while ruling out notice under rule 267 by Shri Pramod Tiwari, I ruled it out in my ruling. But, at the same time, I said, however, if clarifications are to be sought on that statement, the Chair is ready to allow that. So, what we can have, if the House agrees, is to have clarifications on that. But, there will only be clarifications within the terms and norms of clarifications. It means, the Members can only seek clarifications. Each Member can take 2-3 minutes as per the practice of the House.

SOME HON. MEMBERS: No, no.

MR. DEPUTY CHAIRMAN: On the *suo motu* statement made by Minister there can only be clarifications. Then, I can only confine myself within the time allotted for clarifications and there is a rule for that. If you want a lengthy discussion or discussion in another form, you have to give a separate notice under relevant rules. Then, that can be considered. That is all what I have to say. So, what is left before me is to allow clarifications, if needed, and that too if the House wants.

SHRI ANAND SHARMA : Sir, I have one submission to make. Rules are made by the House. Both the Opposition and the Government agreed that this is a matter which needs to be discussed. The Cabinet Minister has made a statement. If there was a din and disorder in the House, it was because the hon. Members were outraged. It is not for the first time that the Rajya Sabha has witnessed disorder and noises. For years and years we have heard this and this Chamber is a silent witness and the records prove that. What I want to say here is this. Fine; a statement was made. It is on record as you, Mr. Deputy Chairman, Sir, said. I am saying this, since hon. Members did not hear it and hon. Members have a right, let a copy of that statement which is there with the Secretariat be made available to the hon. Members so that they can ask questions.

MR. DEPUTY CHAIRMAN: Was it not distributed yesterday?

SHRI ANAND SHARMA: It was never circulated.

SHRI M. VENKAIAH NAIDU: Sir, the hon. Minister, on the basis of some allegations made and name taken by some hon. Member, gave a personal explanation by himself. If the House feels that it wants to hear it again, from our side, from the Minister's side and the Government's side, we have no problem at all. Please allot it. Let him give his personal explanation again, because an allegation is made against him. You

[Shri M. Venkaiah Naidu]

are all aware of it. If you want to prolong it on technicalities and do not want to take up the business relating to the people is a different matter. There is a limit for anything. The hon. Leader of Opposition gave a suggestion. The Government has accepted it. So, please move forward and seek clarifications, if any. Or, if you want to hear again his personal explanation, let him give his personal explanation. Then, you seek clarifications. Sir, either of the two can be done. And, then we should move ahead, because the House is not able to transact its business. We are losing important time.

SHRI GHULAM NABI AZAD: Venkaiahji, let me tell you that in spite of my best efforts, I could not hear not even a word through the earphone. So is the case with other hon. Members. It is in this backdrop we requested that either the Statement be circulated or the hon. Minister should be allowed to repeat that Statement, on which basis we would ask questions.

SHRI M. VENKAIAH NAIDU: It was not his fault that he was not heard properly, but he is ready. *..(Interruptions)..*

SHRI NITIN JAIRAM GADKARI: Sir, if you give permission, I am ready to read it again; I have no problem.

MR. DEPUTY CHAIRMAN: But how do I allow that? Is it okay? *..(Interruptions)..*

SOME HON. MEMBERS: We have not heard it, Sir.

MR. DEPUTY CHAIRMAN: Okay, that is correct. There is agreement from all the sides. But, as far as the Chair is concerned, this is a Statement already made. That is the position of the Chair. *..(Interruptions)..* Okay, I allow the hon. Minister.

STATEMENTS BY MINISTER - *Contd.*

Re. Findings by C&AG in Audit Report of Purti Sakhar Ltd.

सड़क परिवहन और राजमार्ग मंत्री तथा पोत परिवहन मंत्री (श्री नितिन जयराम गडकरी): सम्माननीय उपसभापति महोदय, कुछ सम्माननीय सदस्यों ने पिछले दिनों सदन के पटल पर रखी गई एक सीएजी रिपोर्ट के संदर्भ में मेरे ऊपर कुछ आरोप लगाए हैं। सीएजी की यह रिपोर्ट इंडियन रिन्यूएबल एनर्जी डेवलपमेंट एजेंसी (इरेडा) द्वारा 29 कम्पनियों को लोन दिए जाने में अपनाई गई प्रक्रिया पर ऑडिट रिपोर्ट है। ये सभी लोन वन टाइम सेटलमेंट प्रक्रिया के तहत निपटाए गए थे। सीएजी की इस ऑडिट रिपोर्ट में लोन के किसी भी प्रकार से गलत इस्तेमाल, हेराफेरी या फिर