the House, to be a member of the National Welfare Board for Seafarers*.

The question was put and the motion was adopted.

Re. Terrorist attack on Raghunath Temple - Contd.

श्री संजय निरूपम : सभापति जी, महाराष्ट्र के विषय पर इसके पहले भी मैं आपसे निवेदन कर चुका हूँ । ...(व्यवधान)...

श्री सभापति: आप पहले मेरी बात सुन लीजिए । एक एक विषय पर आते हैं क्योंकि मेरे पास तीन मोशन आए थे । एक मोशन आया था रघुनाथ मंदिर में हमला होने का, दूसरा मोशन आया था जस्टिस वैंकटस्वामी के मामले का और तीसरा आपका है । मैं समझता हूँ कि नंबर एक, रघुनाथ मंदिर के मोशन पर सदन के नेता बताना चाहेंगे कि किस समय पर स्टेटमेंट दिया जा रहा है ।

सदन के नेता (श्री जसवंत सिंह) : सभापित जी, जैसा तय हो चुका है, शायद माननीय सदस्यों को सूचित किया गया है, कि शाम पांच बजे गृहमंत्री जी जम्मू में रघुनाथ मंदिर और शिव मंदिर पर जो घटना हुई है, चूंकि अभी भी सुबह तक यह चल रही थी और एक आतंकवादी तो सुबह ही ...(व्यवधान)...तो उसको देखते हुए सारी जांच और तथ्यों को लेकर गृह मंत्री जी शाम को पांच बजे इस सदन में अपना वक्तव्य दे देंगे।

CLARIFICATION BY THE MINISTER

Regarding appointment of Justice venkataswami as the Chairman of the Advanced Ruling Commission of CBDI and CBCE

श्री सभापति: अब दूसरा प्रश्न आता है जस्टिस वैंकटस्वामी के मोशन के संबंध में. तो क्या सरकार इस संबंध में हाऊस में कुछ कहना चाहेगी ?

THE MINISTER OF FINANCE AND COMPANY AFFAIRS AND THE LEADER OF THE HOUSE (SHRI JASWANT SINGH): Yes, Sir. I would wish to, because, when this matter came up on Friday last, it had come up impromptu in both the Houses, and I had obtained what information I could between the period available, in the Question Hour itself, and shared the same with both the Houses. I had then given an assurance that I would come back to the House with more details. If I have your permission, I will give those details just now

MR. CHAIRMAN Yes

SHRI JASWANT SINGH: Sir, in accordance with the provisions of section 28F of the Customs Act, 1962, along with the provisions of section

23A, of the Central Excise Act, 1944, the Government of India is mandated to constitute the Authority for Advance Rulings on Customs and Central Excise. Under the provisions of this section of the Customs Act, the Chairperson of the Authority for Advance Rulings for Customs and Central Excise has to be a retired Judge of the Supreme Court.

By his letter dated 27th September, 2001--I shared this information with the House earlier--my distinguished predecessor, the then Finance Minister, had informed the then Chief Justice of India of the proposed constitution of the Authority for Advance Rulings on Customs and Central Excise and requested him to nominate a suitable retired Judge of the Supreme Court for appointment as the Chairperson of the above-mentioned Authority, so that the Government could constitute the Authority.

This matter was considered by two Chief Justices, Dr. Justice A.S. Anand and Justice Shri S.P. Bharucha. It was on 14th January, 2002, that the then Chief Justice of India communicated the nomination of Shri Justice K. Venkataswami, a retired Judge of the Supreme Court, for appointment as the Chairperson of the Authority for Advance Rulings on Customs and Central Excise. This nomination was received on the recommendations of the then Chief Justice. Shri Justice S.P. Bharucha.

Based on this recommendation, the Government approved, in April, 2002, the appointment of Shri Justice K. Venkataswami as the Chairman of this Authority, and the formal notification regarding his appointment was issued by the Ministry of Finance, Department of Revenue, on 1st May, 2002. Shri Justice K. Venkataswami assumed the charge of the Chairman, Authority for Advance Rulings on Customs and Central Excise, on 20th May, 2002.

A question was raised, whether the Government had given any panel of names, or, made any recommendations, or, suggestions, or, proposed any name. The Government had recommended no names. It had submitted no panel of names. It had gone entirely by what the then Chief Justice, Shri S.P. Bharucha, had proposed.

Subsequently, Shri Justice K. Venkataswami had written a letter to the Prime Minister, with your permission, Sir, I read it out to the House. I am quoting:

[&]quot;I am writing this letter in anguish but not in anger.

While I was working as Chairman of the Railway Rates Tribunal of India at Chennai, I was asked by the then Chief Justice of India, Dr. Justice A.S. Anand, to accept the assignment of Commission of Inquiry (Justice K. Venkataswami Commission of Inquiry). I was reluctant, but on account of my regard for Dr. Justice Anand. I accepted the assignment considering it as a call of duty. I did not draw any salary for the Commission of Inquiry since I was getting my salary as Chairman, Railway Rates Tribunal. However, I agreed to accept some allowances.

- 3. In the first week of January, 2002, I was called by the then Chief Justice of India, Mr. Justice S.P. Bharucha, who informed me that he wished to nominate me to be the Chairperson of the Authority for Advance Rulings, Customs & Central Excise. I agreed to his suggestion and he wrote to the Government accordingly. I conveyed my thanks to Mr. Justice Bharucha for reposing confidence in me.
- The Government of India did not make any offer to me to act as the Chairperson of the Authority for Advance Rulings, Customs & Central Excise. The suggestion only came from the then Chief Justice of India, Mr. Justice Bharucha. The actual order appointing me as Chairperson of the Authority for Advance Rulings, Customs & Central Excise was issued only on So far, I have not received any salary or allowance from the Authority for Advance Rulings, Customs & Central Excise, Sir, I am distressed to learn that an issue has been raised in the Parliament reparding my assignment as Chairperson of the Authority for Advance Rulings on Customs and Central Excise and aspersions have been cast on me. Keeping in view the dignity of the office which I have held, I have decided not to function either as the Chairperson of the Authority for Advance Rulings on Customs and Central Excise or as Chairman of Justice K. Venkataswami Commission of Enquiry. Please accept my resignation from the Justice K. Venkataswami Commission of Enquiry as well as Chairperson. of Authority for Advance Rulings on Customs and Central Excise and relieve me of those assignments" It ends with usual felicitations.

The Prime Minister considered this matter along with some of his other Cabinet colleagues and, regrettably, he has decided to accept the resignation of Justice Venkataswamy from both the Commissions. As the enquiry was ordered under the Commissions of Inquiry Act, the enquiry shall continue. A vacancy having been caused in the Commission, it will have to be filled in accordance with the advice and in consultation with the Chief Justice of India, Supreme Court. This is all that I have to say at the

moment. If there is anything that the hon. Members wish to know, I will be happy to clarify.

श्री सभापति : लीडर ऑफ दि अपोज़ीशन अगर कुछ जानकारी लेना चाहें तो ले सकते हैं ...(व्यवधान)...

THE LEADER OF THE OPPOSITION (DR. MANMOHAN SINGH) : Shri Kapil Sibal would like to speak.

श्री संजय निरुपम : चेयरमैन साहब, इस इशु पर भी चर्चा हो जाए ...(व्यवधान)...

श्री सभापति : यह शुरू हो गया है तो इस पर चर्चा होने दीजिए । सिम्बल साहब आप बोलिए।

SHRI KAPIL SIBAL. (Bihar): Sir, I thank you for giving me this opportunity. I have listened with great attention to the statement made by the Leader of the House and I would like to on my behalf and on behalf of my party, say that when we raised the issue in respect of the acceptance, by the retired judge, of this position of Chairperson, Authority for Advanced Rulings on Customs and Central Excise, we cast no aspersions on the Judge.

SHRI BALBIR K. PUNJ (Uttar Pradesh): No Sir, he said we have compromised the position.

SHRI KAPIL SIBAL: We cast no aspersions. You can check the record. We cast no aspersions on the Judge and we would like to reiterate that we do not cast any aspersions on the Judge. What we are concerned ...(Interruptions).... I am on my legs. I did not say ...(Interruptions).... I said, on behalf of the Congress Party, we cast no aspersions on the Judge. If some other hon. Member said something, you can ask him. I am only clarifying ...(Interruptions)... If you do not mind, Mr. Chairman, I am on my legs. I am not yielding. I have a lot more to say. I have a lot more to say.

श्री सभापति: बोलने दीजिए ...(व्यवधान)...एक मिनट सुन लीजिए ...(व्यवधान)...अहलुवालिया जी, बैढिए ...(व्यवधान)...जब ये खुद कह रहे हैं कि ऐस्पर्शन नहीं था और न ऐस्पर्शन है तो विवाद किस बात का है ? बात खत्म हो जानी चाहिए !

श्री एस.एस. अहल्वातिया (झारखंड): महोदय, रिकॉर्ड पर देख लीजिए ...(व्यवधान)...

SHRI KAPIL SIBAL: Mr. Chairman, Sir, the concern expressed by me and expressed by hon. Dr. Manmohan Singh, Leader of the Opposition was that it was unthinkable that the Government, any Government knowing

fully well that a member of the judiciary who retired, Justice Venkataswami, was conducting an enquiry into allegations of a very serious nature, a very sensitive nature, in respect of the entire defence establishment and two very prominent political personalities, could consider, in fact, proposing, that he take charge as Chairman, Authority for Advance Rulings, Customs and Central Excise, because ultimately the power of appointment is in the hands of the Government. The Chief Justice of India merely recommends a name and I must just clarify. I just would like to clarify, on record, the procedure followed in all these appointments is that some informal consultation takes place. No Chief Justice would write and give the name of a judge unless the consent has already been obtained. This is the informal procedure that is followed in these appointments. The concern that we had, the concern that we continue to have is how did this Government think of even agreeing to the appointment even if the Chief Justice of India had made a recommendation, knowing fully well that this case itself was being investigated by the same judge. It is that part of it which compromises the position of the judge by your accepting and recommending and appointing him. You held a meeting of the CCA in April of that year which you yourself have said. In May you made the appointment. Now the further concern that we have is the manner in which the Government has not cooperated with the Venkataswami Commission. This is a matter of very serious concern. So far as the Congress Party is concerned, our original position was that such a Commission of Inquiry should not sit. Our original position was that a Joint Parliamentary Committee should sit. We stick to that position. In fact, the Government has sabotaged this inquiry. Once we go into the debate on what has been happening before the Commission of Inquiry, I will bring it out. This is not an appropriate moment to do that. I just want to clarify at this point of time that the Congress Party is extremely concerned because they want to carry on with the Commission of Inquiry. We want a JPC. We always wanted a JPC. We have nothing to say against the judge. We have everything to say against this Government.

श्री सभापति : सिब्बल साहब, एक जानकारी करना चाहंगा कि श्री वेंकटस्वामी का जो दूसरा अधोइंटमेंट हुआ है दूसरे कमीशन में. उसके कारण से क्या आप यह समझते हैं कि वह निष्पक्ष नहीं रहे?

SHRI KAPIL SIBAL: No, Sir. ... (Interruptions)... The issue is ...(Interruptions)... I would like to clarify ...(Interruptions)...

श्री सभापति : बस ठीक है। ...(व्यवधान)... बस खत्म हुआ किस्सा। ...(व्यवधान)...

श्री प्रेम गृप्ता (बिहार): यह रिकार्ड पर लाना ठीक नहीं है। ...(व्यवधान)...

SHRI PRANAB MUKHERJEE (West Bengal): Sir, I would like to clarify the position. It is a question of the conduct of the Government, not of the judge because no judge of the Supreme Court is appointed suo motu. There is a regular procedure of appointment and the appointment procedure is initiated by the Government. Even if the recommendation came from the Chief Justice of India, it is the Government of the day which initiated the proposal for the approval of the Cabinet Committee on Appointments. Therefore, it is not a reflection on the judge. It is a reflection on the functioning of the Government that they are appointing somebody who is looking into the conduct of one of the important Ministers in another Commission of Inquiry. That is the issue.

SHRI NILOTPAL BASU (West Bengal): Mr. Chairman, Sir, I thank you for allowing me to make a small observation. I also thank the Leader of the House for clarifying the position as best as he could. At the outset, I concede that he has created more confusion and doubt by reading out a statement. Why do I say this? We got an impression through the media, through the Government reactions, as well as the statement made just now, as if the Government was bound by the recommendation that was made by the Chief Justice of the Supreme Court. This is something which is farthest from the truth. The issue here is this. When you appointed Justice Venkataswami as the Chairman of the Authority on Advance Rulings, did it not constitute any conflict of interest with the work he was doing as the Chairman of the Tehelka Commission?

[THE DEPUTY CHAIRMAN in the Chair]

Our doubts are compounded further because of the role that the Government has been playing in regard to the Tehelka inquiry itself. I don't want to go into the details. As Shri Kapil Sibal pointed out, there are several instances where we can see that the Government attempted to sabotage the work of the Commission of Inquiry itself by not registering any FIR against those who were accused on the tapes, as well as cross-examining any of those accused, it was only going for the head of the journalist who exposed this whole thing. Therefore, Madam, what we would like to say is that those in the Government, who clearly failed to recognise this conflict of interests, (Of course, Justice Venkataswami had set certain moral standards by resigning then and there, as soon as the controversy broke out), those who are responsible for the executive action of appointing

him, have also to go, because that is the principle of natural justice. The mistake that has been committed was recognised, and the moral responsibility has been taken by Justice Venkataswami. Therefore, those in the Government who are responsible for the action, should go. The failure of the Government to properly enquire into the entire Tehelka matter has led to a situation where the entire enquiry process is sabotaged. Therefore, the Government should accept the proposal of the Opposition to immediately appoint a Joint Parliamentary Committee to investigate into the whole matter; and those responsible for making this appointment should go.

श्री संघ प्रिय गौतम (उत्तरांचल): उपसभापति महोदया, ...(व्यवधान)...

श्री संजय निरुपम मेडम. क्या इस पर चर्चा हो रही है?

THE DEPUTY CHAIRMAN: The hon. Chairman has written down some names. I have to go accordingly.

श्री संघ प्रिय गौतम : आप मुझे तो कह क्षेत्रे दीजिए। आप बैठ जाइये। आप बाद में कह देना। ...(व्यवधान)...

भी संजय निरुपम : मैडम, एक नोटिस मैंने भी इस विषय पर दिया है।

THE DEPUTY CHAIRMAN: Mr. Sanjay Nirupam, I didn't start the discussion. Looking at the seriousness of the situation, hon. Chairman has allowed some people to speak. I have to follow that. जब आपका नोटिस आयेगा तब देखेंगे. उससे पहले थोड़े ही देखेंगे। ...(व्यवधान)...

श्री लालू प्रसाद (बिहार): माननीय उपसभापित महोदया, माननीय फाइनेंस मिनिस्टर साहब ने सरकार की तरफ से जवाब दिया. उस समय आप नहीं थीं, तो चेयरमैन साहब ने मुझे अंगुली दिखाकर उनके बाद बोलने के लिए कहा था।

उपसभापति : चेयरमैन साहवः ने आपका नाम यहां लिखा नहीं है लेकिन मैं आपको बुला लूंगी। मैं आपको अंगुली नहीं दिखाऊंगी। मगर आपको आईडेटीफाई कर दूंगी। मैं आपको बोलने के लिए अलाउ कर दूंगी। गौतम जी, बोलने के लिए खड़े हैं. पहले उन्हें बोलने दीजिए।

श्री संघ प्रिय गौतम : उपसभापति मंहोदया, पहली बात तो यह है कि न्यायमूर्ति वैंकटस्वामी अवकाश प्राप्त न्यायधीश हैं, कार्यरत न्यायाधीश नहीं हैं।

नम्बर दो, अवकाश प्राप्त सर्वोच्च न्यायालय के मुख्य न्यायाधीशों ने अनेक प्रकार की न्यायपालिका पर, न्यायाधीशों पर टिप्पणियां की हैं।

नम्बर तीन, न्यायपालिका, विधायिका, कार्यपालिका और मीडिया ये लोकतंत्र के चार मुख्य स्तम्भ हैं। इनसे आशा यह की जाती है कि राष्ट्र हित में, संवैधानिक कानून को ध्यान में रखते हुए ये कार्य करेंगे। यहां पर दो प्रश्न पैदा होते हैं। तहलका कांड की जांच करने के लिए आयोग के अध्यक्ष वंकटरवामी थे, यह तत्कालीन मुख्य न्यायाधीश के संज्ञान में था और सरकार के संज्ञान में भी था। जब दोनों के संज्ञान में यह बात थी तो क्यों मुख्य न्यायाधीश ने वैंकटरवामी का नाम प्रस्तावित किया और क्यों सरकार ने उसे स्वीकार किया? ...(व्यक्धान)... आप ताली मत बजाइये।

उपसभापति : आप गातम जी की बात सुनिए।

श्री संघ प्रिय गौतम: आप यहां पर एक तरफा बात करते हैं। जो वास्तविक बात है वह देश के सामने जाती नहीं है। इसलिए जब ये दोनों के संज्ञान में था, केवल यह जानकार किया कि न्यायिक प्रक्रिया सही अपनाई जा रही है और न्यायाधीश की नीयत पर कोई शक नहीं है, दोनों अपनी जगह पर सही थे और जब न्यायाधीश ने त्याग-पत्र दे दिया है तो अब कोई मामला बहस के लिए नहीं रह जाता है। इसलिए इसे समाप्त कर देना चाहिए।

उपसभापति : लाल प्रसाद जी, आप बोलेंगे?

श्री लालू प्रसाद : हां. मैडम।

उपसभापति : टीक है। अब इस पर तो डिसकशन ही हो जायेगा।

श्री लालू प्रसाद : मैडम, चेयरमैन साहब इस पर व्यवस्था देकर गए हैं। ...(व्यवधान)... महोदया, यह बहुत गंभीर मसला है । देश को मालूम है कि देश के रक्षा मंत्री के घर पर, देश की रक्षा की जिम्मेदारी जिन्होंने ली. उसमें दलालों के साथ उनके घर में, रक्षा मंत्री के साथ यह डील हुई, यिजुअल हुआ । महोदया, दुनिया ने इसे आंखों से देखा, कानों से सुनी-सुनाई बात होती तो बात समझ में आ सकती थी । देश भर के पत्र पत्रिकाओं ने, कांग्रेस, सी.पी.एम.. सी.पी.आई या किसी पॉलिटिकल पार्टी ने नहीं, देश के पत्रकारों ने इस घटना को उजागर किया था । हाउस नहीं चला, हाउस में सारी बात हुई कि ज्वाइंट पार्लियामेंटरी कमेटी बनाइए और जांच करिए। रक्षा मंत्री को इस संबंध में इस्तीफा देना पड़ा । प्राइमाफेसी अगर यह बात नहीं होती तो उनको निकालना नही पड़ता लेकिन आखिर यह कौन एक व्यक्ति है, जार्ज फर्नांडीस आखिर इस देश का क्या है ? वह आदमी पूरे मंत्रिमंडल, इनकी पूरी गवर्नमेंट को तंग और तबाह करके सारी संवंधानिक संस्थाओं को तहस-नहस करके...(व्यवधान)...

उपसभापति : उनकी भी अपनी राय है ।

श्री लालू प्रसाद : बात सुनी जाए । यह देश के अंदर कोई साधारण घटना नहीं घटी है। इसको लाइटली नहीं देखा जाए । महोदया, जब यह पकड़ में आए तब इस तरह के सिद्धांत और असूल की बात हो रही है । अखबारों के जो जर्निलस्ट इसमें इनवॉल्च हैं, उनको किस तरह से प्रताड़ित किया गया । इस देश में दो तरह का कानून चलता है, बिहार में कुछ और दिल्ली में कुछ कि बिहारी अफसर को सी.बी.आई. से हटाओ । महोदया, मैं भी राज्य का मुख्य मंत्री रहा हूं, हमारे कानून के ज्ञाता सिद्धल साहब यहां बैठे हैं, रिटायर्ड जजों के मामले में गवर्नमेंट को अधिकार है । कमीशन ऑफ इन्क्वायरी ऐक्ट जो है, रिटायर्ड जजों के मामले में पूरे का पूरा ऑप्शन सरकार को है । आजकल तो इधर बात आयी है कि लोग पूछ लेते हैं, फॉरमैलिटी है लेकिन सिटिंग जज की अगर बात होती तो सुप्रीम कोर्ट से, किसी से राय ली जाती । महोदया,

पत्रकार को प्रताड़ित करने के बाद यह सारी बात आई । यह बहुत भारी डील हुई है और डील के तहत इनके भृतपूर्व केन्द्रीय मंत्री श्री अरुण जेटली जी ने बाहर बयान दे दिया कि आनन्द सहाय ने किया । दूसरे दिन बोल दिया कि पारुचा साहब ने कह दिया और अब यह अपनी देह बाड़ रहे हैं कि गवर्नमेंट को कुछ लेना-देना नहीं है और सारा ब्लेम अब ये लोग सप्रीम कोर्ट के चीफ जस्टिस पर मद्दने का काम कर रहे हैं। आज उनकी भावना को यहां पढकर सनाया गया । महोदया. आखिर सपीम कोर्ट से आज एक से एक रिटायर्ड जज लोग हैं । महोदय, अभी अभी जो जॉर्ज फर्नांडीस के वकील थे, उनको सरकारी वकील बना दिया गया । आखिर इस देश में हो क्या रहा है ? इस देश में सारी संस्थाओं को तहस नहस करके आप एक आदमी को बचाने के लिए सारे पाप करके इस देश की सारी व्यवस्था को ध्वस्त करने का काम कर रहे हैं । यह भयानक स्केंडल है इसलिए हमारे दल की राय है, इनकी राय अलग हो सकती है, किन्तु हमारी राय है कि जे.पी.सी. से इस मामले की जांच कराइए । यह मामला यहां रोका नहीं जाना चाहिए। हमारा सझाव है कि अगर जे.पी.सी. से नहीं कराना चाहते हैं तो लीडर ऑफ आपोजिशन जो हैं. वह और प्रधान मंत्री दोनों मिलकर रिटायर्ड जजों का पैनल मंगाएं और उन्हें मंगाकर, उनसे कंसल्ट करके तहलका के मामले में टोक-बजाकर जांच की जाए और उसके पहले जार्ज फर्नाडीस को मंत्रिमंडल से निकालकर तिहाड जेल में भेजा जाए । यह हमारा सवाल है । इसको गंभीरता से लीजिए । आज पूरे का पूरा मंत्रिमंडल दागी हो गया है । अगर आप इस दाग को धोना चाहते हैं तो जार्ज फर्नांडीज, देश का रक्षा सौदा जिस मंत्री के घर में हुआ, दनिया ने अपनी आंखों से देखा, उस मंत्री को निकालकर जेल में भेजिए और जांच का फिर जो रिजल्ट आएगा, उसके अनुसार कार्यवाही कीजिए । हमारे ऊपर, बहुतों के ऊपर केस हुआ है, सुनी सुनाई बातों पर मुकदमे हुए । हम लोग जेल में और यह रहेंगे बाहर मंत्री मंडल में । इनके खिलाफ कार्यवाही करिए अन्यथा देश आपको माफ नहीं करेगा, यही मेरा सझाव है ।

श्री जनेम्बर मिश्र (उत्तर प्रदेश): शुक्रिया उपसमापित महोदया । यह मामला हम लोग जितने हलकेपन में ले रहे हैं, मैं नेता सदन से निवेदन करूंगा कि उसको और गंभीर बनाने की कोशिश करें । बेहसर तो यह होता कि अपने वक्तव्य में मूतपूर्व जज साहब की चिट्ठी वे पढ़कर नहीं सुनाते । उस चिट्ठी में उन्होंने जो लिख दिया कि हमारे ऊपर दूसरे ढंग की टिप्पणी की गई, एक तरह से यह इस संसद की मर्यादा के विपरीत बात है । हम लोग जज लोगों के या भूतपूर्व जजों के बारे में कोई भी बात इसलिए नहीं बोलते कि वह ज्यूडीशियरी की मर्यादा के खिलाफ चली जाएगी और यह अच्छी बात नहीं होती । यह माषा टकराव की भाषा हो गई है और जजों या भूतपूर्व जजों, दोनों का कोई मतलब नहीं होता या हम एम.पी. कोई खुदा नहीं हो जाते, लेकिन माना जाता है कि पार्लियामेंट की. ज्यूडीशियरी की अपनी अस्मिता है और इनमें आपस में टकराव नहीं होना चाहिए । यह चिट्ठी आप नहीं सुनाते तो बहुत कृपा करते । ऐसे जज लोगों के बारे में बहुत नज़दीक से मेरी जानकारियां है लेकिन मैं उन पर टिप्पणी नहीं करूंगा ।

महोदया, यह मामला सार्वजनिक जीवन में भ्रष्टाचार का है । आप सरकारी पक्ष में हैं, आपकी पार्टी का भूतपूर्व अध्यक्ष या आपकी सरकार का एक मंत्री इसमें फंस गया तो उसको लेकर आप बात बिगाइने की कोशिश न करें । हिंदुस्तान में जो लोग किसी ओहदे पर हैं, उनको देश की आम जनता शक की निगाह से देखती रहती है । एक लंबी बहस यहां हुई थी और उसमें एक बात पकड़ में आई थी । यह आज ही नहीं आई, नेहरू साहब के जमाने में फिरोज़

गांधी ने मुंदर। कांड उठाया था, उसकी जांच हुई । अब्दुल करीम छागला जज थे, उन्होंने जांच की थी । उस समय वित्त मंत्री श्री टी.टी. कृष्णामाचारी थे । उनके ऊपर कोई टिप्पणी आ गई जज की. कृष्णामाचारी जी बहुत काबिल वित्त मंत्री थे। हम लोग उस समय पढ़ते थे और उनके वक्तव्य बहुत ध्यान से सुनते थे । आजकल के जो वित्त मंत्री हैं, उनसे तो वे बहुत ही काबिल थे। लेकिन जैसे ही टिप्पणी आई, जवाहर लाल जी का ज़माना था, गांधी जी के आंदोलन की गरमी से भारत निकला था, सत्ता की जीवन-पद्धित में भ्रष्टाचार नहीं आया था, एक मिनट में नेहरू जी ने टी.टी. कृष्णामाचारी जी का इस्तीफा ले लिया, हालांकि उनकी काबिलियत बहुत तारीफ लायक थी । बहुत दिनों बाद फिर उनको वित्त मंत्रालय दिया गया । थोड़ी हॉच-पॉच उस समय भी हुई थी मनमोहन सिंह जी, लेकिन फिर अब्दुल करीम छागला को भी मिनिस्टर बना दिया गया था । हम लोग उस समय युनिवर्सिटी में पढ़ते थे, हमको लगने लगा था कि यह जज और मुज़रिम, दोनों साथ-साथ कैसे बैट सकते हैं ? हमको लगा कि जजी को फ़सलाया जा रहा है, फंसाया जा रहा है । हम लड़के थे, तब लगा था कि कहीं न कहीं जजी को फुसलाया जा रहा है, फंसाया जा रहा है । हमारे सदन में जब ये जज लोग आकर बैठ जाते हैं ...(ब्यवधान)...

SHRI PRANAB MUKHERJEE: It was not done simultaneously, Janeshwar ji; it was done after a gap of almost five years.

श्री जनेश्वर मिश्र: हां. यह सही है लेकिन हम जब युनिवर्सिटी में पढ़ रहे थे. लड़कों की नेतागिरी करते थे. हमको यह महसूस हुआ था कि इस तरह के रिश्ते नहीं बनने चाहिए । हम चाहेंगे कि इस तरह के रिश्तों से बचा जाए । अब मामला इतना बिगड़ गया है कि अब मंत्री लोग चीफ जिस्ट्स से भी भूतपूर्व न्यायाधीश के बारे में तो क्या, वर्किंग न्यायाधीश के बारे में तक नहीं पूछते । लॉ मिनिस्ट्री एक पैनल बना लेती है और उस पैनल में से कोई न कोई इनक्यायरी का हेड बन जाता है । हमने कई दुर्घटनाओं में इस तरह के इन्क्वारी के हैड बनाए हैं । लॉ मिनिस्ट्री बना लेती है । लॉ मिनिस्ट्री के काम करने के ढंग, ज्यूडिशियरी में क्या होते हैं, कितनी एपरोच होती है, यह जगजाहिर है । हम उस घटना पर नहीं जाना चाहते कि उन्होंने इस्तीफा दे दिया । असल चीज यह है कि एक संदेश चला गया । रंगे हाथ कुछ लोग पकड़े गए थे और उन लोगों ने इस्तीफा दे दिया । सरकारी पार्टी का सबसे प्रमुख था । इस पर लोग गीत गाने लगे थे । अब संदेश चला गया कि जो राज कर रहा था वह इस्तीफा देकर चला गया । उसको ब्राइब करने के लिए सरकार ने एक दूसरे आयोग का अध्यक्ष बना दिया था ।

SHRI SWARAJ KAUSHAL (Haryana): Madam, I am on a point of order. It is a statement that has been made. One can seek a few clarifications. But are we going in for a complete debate on this? ...(Interruptions)...

THE DEPUTY CHAIRMAN: We are not having a debate. ... (Interruptions)...

श्री संजय निरुपम: मैडम, यह लगभग डिबेट जैसा ही चल रहा है । इस देश में और भी महत्वपूर्ण विषय हैं. और भी जरूरी और शंवेदनशील विषय हैं ...(व्यवधान)...

श्री लालू प्रसाद : प्वाइंट आएगा ...(व्यवधान)...

श्री संजय निरुपम : नहीं आ रहा है । वेंकटस्वामी से शुरू हुआ था और पूरा तहलका तक पहुंच गया ।

उपसभापति : अगर आप हाउस में उन्हें ...(व्यवधान)...

SHRI SWARAJ KAUSHAL: There is an indictment of Mr. Fernandes while he is not here. ...(Interruptions)... You are trying him in absentia. (Interruptions) Madam, George Fernandes is being tried in absentia. Is it proper for you to do that? ...(Interruptions)... You are trying him in absentia. Why don't you get him in the House and ask him? ...(Interruptions)... You are trying him in absentia. ...(Interruptions)... This is not proper. ...(Interruptions)... You are trying him in absentia. You can't do that. ...(Interruptions)...

उपसमापति : जो बोल चुके हैं ...(व्यवधान)...एक मिनट ...(व्यवधान)...Please sit down. ...(Interruptions)...

SHRI SWARAJ KAUSHAL: You are holding a regular trial, while the man is not here. ... (Interruptions)...

श्री जनेश्वर मिश्र: मैडम., हमने किसी मिनिस्टर का नाम नहीं लिया है ।

उपसंशापित : आप मंत्री का नाम लें, इसमें कोई समस्या नहीं है । ...(य्यवधान)...समस्या यह उन्होंने उठाई. इसमें मंत्री का नाम लेने की बात नहीं है, सवाल यह है कि यहां डिस्कशन अभी घेयरमैन साहब ने एलाउ नहीं किया है । अगर आप डिस्कशन घाहें गे और घेयरमैन साहब की अनुमित होगी तो एलाउ हो जाएगा । उसमें कोई बात नहीं है । अभी तो खाली मंत्री जी ने एक स्टेटमेंट दिया है ..(व्यवधान)...जब मैं बोल रही हूं तो आप कृपया एक मिनट चुप रहें । यहां पर पूरी बात बोलना कि डिस्कशन के तौर पर क्या हुआ, क्या नहीं हुआ, यह बहुत लंबी बात है, इसलिए आप संक्षेप में बोलिए । आपको जो दुख है, उसे प्रकट कर दीजिए । हिस्ट्री में जाएंगे तो अठावन से अब तक बहुत समय लग जाएगा ...(व्यवधान)...

एक माननीय सदस्य : ऐसे प्रकट नहीं किया जा सकता ।

उपसभापति: मुझे मालूम है, 1958 में पास हुआ ...(व्यवधान)...

SHRI PRANAB MUKHERJEE: Madam, I have a point. I think let the Members give a formal notice for this.

THE DEPUTY CHAIRMAN: I think so. If the Members give a formal notice. ...(Interruptions)... गुप्ता जी, प्लीज सिट डाउन ...(व्यवधान)...What is going on?

श्री जनेश्वर मिश्र : मैडम. मैडम. ...(व्यवधान)...मैं दो मिनट में अपनी बात ...(व्यवधान)...

THE DEPUTY CHAIRMAN: What is going on? शांति, मैं यह कह रही हूं

कि अभी चेयरयमैन साहब ने डिस्कशन की परिमशन नहीं दी है ...(ब्यवधान)...क्लेरिफिकेशन की एक परिभाषा होती है कि किसी सीमा में आप बालेंगे ...(व्यवधान)...

श्री जनेश्वर मिश्र : हमने समय लिया है ...(व्यवधान)...

उपसभापति : नहीं, मैं इतना समय नहीं दे सकती ...(व्यवधान)...

श्री जनेश्वर मिश्र: समेट नहीं रहे हैं । हमने आपकी बात समझ ली है और उसी के मुताबिक वोलेंग।

उपसभापति : हां. बस आप एक-दां जुमले बोलकर खत्म करें।

श्री जनेश्वर मिश्र: देश की आम जनता में यह संदेश चला गया कि एक भ्रष्टाचार के मामले में जब सरकार का मंत्री और सरकारी पार्टी का एक बड़ा पदाधिकारी, जो फिर मंत्री हो गया, उसको जबर्दस्ती रखा गया तो उसे बचाने के लिए ऐसी परिस्थिति पैदा की गई कि उसकी आलोचना होने लगे और वह अपने पद से हट जाए । सरकार को इसका जबाब देना पड़ेगा । सरकार इस बात से आज भी इस सोच में है, दुविधा में है, अखबार से जाहिर हुआ है, या तो यह आयोग खत्म कर दिया जाए और संसदीय जांच करा ली जाए । इस सदन में विपक्ष की ओर से बार बार मांग हुई थी । बड़ा ही जलता हुआ सवाल था, सदन चल नहीं पा रहा था ...(व्यवधान)...

उपसमापति : अब आगे तो बढ़े, सदन के चलने में ...(व्यवधान)...

श्री जनेश्वर मिश्र: संसदीय जांच करा ली जाए । क्यों नहीं सरकार इस बात पर राजी हो जाती है कि यह जांच करा ली जाए। फिर से नया जज अध्यक्ष बनाने के लिए क्यों दूदने का प्रयास हो रहा है, यह आपको बताना होगा।

THE DEPUTY CHAIRMAN: Now, Chairman Saheb has cleared the names of Shri N.K. Premachandran and Shri S.S. Ahluwalia. मंत्री जी आप बोल रहे थे। दो लोग और हैं। अहलुवालिया जी और प्रेमचन्द्रन जी का नाम लिखा हुआ है, इसलिए मैं बुला रही हूं। Yes, Mr. Premachandran. I request you to be extremely brief, because everybody has expressed the same opinion. ...(Interruptions)...

SHRI SATISH PRADHAN (Maharashtra): Madam, please see the 'Supplementary List of Business' which has been circulated to us just now....(Interruptions)...

THE DEPUTY CHAIRMAN: Yes.

SHRI N.K. PREMACHANDRAN (Kerała): Madam, I would like to seek one clarification. ...(Interruptions)...

SHRI SATISH PRADHAN: Madam, it has been stated in the 'Supplementary List of Business that Shri L.K.Advani would make a statement on the attack on the Raghunath Temple by terrorists in Jammu,

on 24" November, 2002. At what time the statement is going to be made?

THE DEPUTY CHAIRMAN: At 5 o'clock. ... (Interruptions)...

SHRI SATISH PRADHAN: That should have been mentioned in the 'Supplementary List of Business'.

THE DEPUTY CHAIRMAN: Time not mentioned. is ...unterruptions)...

SHRI PRANAB MUKHERJEE: Madam, time is indicated at the bottom of the 'Supplementary List of Business'. ... (Interruptions)...

उपसभापति: आप लोग पढ़ते नहीं हैं । I will read it out for you One minute. On 24th, the incident took place. Please apply your mind, not just look at the date. The date is about the incident, not about Mr. Advani's statement which is going to be today, because it is Monday, the 25th November. ...(Interruptions)... पुरा पढ़ लिया कीजिए।

श्री संघ प्रिय गौतम : नीचे समय भी लिखा हुआ है।

उपसभापति : हां, समय भी लिखा हुआ है। चलिए जल्दी खत्म कीजिए प्रेमचन्द्रन जी।

SHRI NILOTPAL BASU: Members do not have the habit of reading the 'Supplementary List of Business'. ... (Interruptions)...

THE DEPUTY CHAIRMAN: Yes, Mr. Premachandran,

SHRI N.K. PREMACHANDRAN: Madam, we have heard the response of the hon. Leader of the House. It is very significant to note that the hon. Leader of the House has stated about the resignation letter made by the learned judge, Justice Venkataswami. On going through the contents of the letter, because it has become the property of the House, the Government even now is trying to have a conflict, a confrontation between the Opposition which raised the matter and the judiciary saying that we are casting aspersion on the Indian judicial system. Definitely, I would like to say here one thing. When the news came in the Press and before this House, yes, an apprehension, a doubt, or, a cloud of suspicion had come in the minds of the common people that a judge who is enquiring into the matter, in which a Cabinet Minister is involved, is accepting another post of profit. Definitely, aspersion is cast upon the Indian judicial system, as a whole. There is no doubt about it.

Madam. I would like to clarify one more point. The then Chief Shri Bharucha had recommended the name of Justice Justice. Venkataswami. My point is this. Even while making appointments to the post of Government Pleaders in the district courts, the recommendations are made by the District Judge. There are lot of precedents when the district judge, or, the concerned Government may get back or send back the panel and a revised new panel is sought. This is the usual procedure which has been going on. As has been rightly pointed out here by my learned friend, Shri Kapil Sibal, there is a consensus between the political authority and the judiciary to have a man selected for the higher post. There is no doubt about it. But, on going through the response of the hon. Leader of the House, we find that the Government is absolutely safe. '... (Interruptions)... Madam, I am concluding. The Opposition parties have cast an aspersion on the Indian judiciary. That is the only confrontation and he has resigned because the Opposition has cast an aspersion on the Indian Judiciary. His acceptance of the post is another question. That is depending on the integrity, or, the personal affair of the Judge. We are not going into that, I would like to know whether the Government is bound by the recommendation made by the Chief Justice of India to appoint that particular person as Chairman, Authority of Advance Rulings on Customs and Central Excise. That is number one. So, Madam, as the Government of India has accepted his resignation, since there is no Commission of Inquiry, at this juncture, my main point is, the Government should agree to the demand of the Opposition for constituting a Joint Parliamentary Committee to go into the merits of the case in the interest of justice. That is all. Thank you.

श्री एस. एस. अहलुवालिया (झारखंड) :उपसमापित महोदया, शुक्रवार इस सदन में एक मुद्दा उठाया गया कि जस्टिस वेंकटस्वामी को एडवांस रूलिंग कमीशन के चेंग्ररमैन के पद पर नियुक्त किया गया । लीडर ऑफ़् द हाउस ने उस दिन भी सदन को अवगत कराया था और आज विस्तारपूर्वक अवगत कराया और साथ में उन्होंने अपनी भावनाओं को जताते हुए सरकार को जो अपना त्याग-पत्र भेजा, वह भी पढ़कर सुनाया । उनके पत्र में जो कुछ उल्लिखित है उसको सुन कर ऐसा महसूस होता है कि कोई भी स्वामिमानी नागरिक ऐसा करने के लिए बाध्य होगा ...(व्यवधान)... अब आपका स्वामिमान नहीं है तो किसी का नहीं है, ऐसी बात नहीं है । ...(व्यवधान)...

श्री प्रेम गुप्ता : स्वाभिमानी होते तो उनको एक्सैप्ट ही नहीं करना चाहिए था ।

श्री एस. एस. अहलुवालिया : ऐसे उच्च पद पर बैटा हुआ, कोई भी स्वाभिमानी व्यक्ति, अगर ऐसी बातो का उल्लेख जब पार्लियामेंट में होता है या जब पार्लियामेंट में आवाज उटती है, उसे सुनता है तो ऐसे ही निर्णय लेता है । तब उसने इस्तीफा दिया और वह इस्तीफा स्वींकार किया गया । ...(व्यवधान)...

THE DEPUTY CHAIRMAN: He didn't disturb you. Let him speak. ... (Interruptions)... Whatever he feels, let him speak. ... (Interruptions)...

श्री एस.एस. अहलुवालिया : महोदया, मैं सिर्फ इतना ही चाहता हूं(व्यवधान)...नीलू. You understand much more than me. I understand a little less. Let me speak. Please listen to me. ...(व्यवधान)...

तो बंगला में मैं इसिलए बोला कि वही भाषा वह समझेंगे । महोदया, मैं यह बताना चाहता हूं कि ...(व्यवधान)

श्री कपिल सिव्वल : इस हिसाय से तो मुझे पंजाबी में बोलना चाहिए ।

श्री एस.एस. अहलुवालिया : क्यों नहीं, भारत की किसी मी भाषा में बोलोगे तो मैं समझुंगा, तमिल में भी बोलेगे तो समझुंगा ।

उपसभापित महोदया. एडवांस रुलिंग कमीशन एक बहुत सेंसेटिव डिपार्टमेंट है और यहां पर सिर्फ राह चलते, रिक्शा पर चलते हुए लोगों के केस नहीं जाते ...(व्यवधान)

श्री प्रेम गुप्ता : बड़े-बड़े लोगों के जाते हैं ।

श्री एस. एस. अहलुवालिया : हां, यही तो शक हो रहा है, यही तो इनको तकलीफ हुई है । तकलीफ किसको हुई । वेकटरवामी कमीशन जब उन्होंने चेयरमैन का पद संभाला तो तकलीफ कहां हुई ? 22 मई को उन्होंने यह पद संभाल लिया । 22 मई के बाद भी सदन बैठा है, 22 मई को उन्होंने वार्ज ले लिया ...(व्यवधान) उसके बाद हमारा मॉनसून सैशन चला । उस क्वत किसी की आवाज नहीं उठी । ...(व्यवधान)

DR. MANMOHAN SINGH: Madam, it is not nice debating a highly sensitive issue by attributing motives to the Members who raised this issue. It is very unfortunate that the hon. Member is questioning the motives of those who raised the issue. When I raised the issue that day after Shri Kapil Sibal had introduced it, it was purely on the basis of propriety consideration and the norms that should apply to the appointment of people to the sensitive positions. That doesn't mean that we had some ulterior motives, because the same was decided one way or the other. I completely repudiate that insinuation.

श्री एस. एस. अहलुवालिया: उपसभापित महोदया. सम्माननीय नेता विपक्ष ने जो बात कही है, मैं कहना चाहता हूं कि मेरा मोटिव किसी को भी इस में एनसर्किल करने का नहीं है। माननीय नेता विपक्ष खुद वित्त मंत्री रह चुके हैं और उन को पता है कि वित्त मंत्रालय में जब

^{*} English translation of the original speech delivered in Bangla.

1.00 p.m.

यह नोटिफिकेशन होता है, विपक्ष के नेताओं को इस की खबर रहती है। ...(व्यवधान)... मेरा कहना है भारद्वाज जी अगर आप कहोगे कि देश में कहां जज लग रहा है, कहां नहीं लग रहा है. और कौन रिटायर हो रहा है, कौन कहां जा रहा है - यह आप को खबर नहीं है तो मैं इसे मानने के लिए तैयार नहीं हूं, सदन को आप भले ही कुछ कह दीजिए ...(व्यवधान)...

SHRI HANSRAJ BHARDWAJ (Madhya Pradesh): Madam, just allow me for a minute. ...(Interruptions)...All that he is saying, there is a point of order in it. ...(Interruptions)...1 should be allowed to speak on this(Interruptions)... Let me put my point of order. ...(Interruptions)... Perhaps, he will agree and many of their Ministers will also agree. ...(Interruptions)...

THE DEPUTY CHAIRMAN: Let him finish. ... (Interruptions)...

SHRI HANSRAJ BHARDWAJ: You are accusing Judges, as you are a shield of corruption. ... (Interruptions)...

THE DEPUTY CHAIRMAN: Let him finish. ...(Interruptions)... Just one second. ...(Interruptions)... Please sit down. भारद्वाज नी, आप बैठिए । उन्हें बोलने दीजिए । ...(व्यवधान)...

SHRI HANSRAJ BHARDWAJ: How will Judges defend themselves here? ...(Interruptions)...

SHRI KAPIL SIBAL: You have been showing the letters written by Judges. ...(Interruptions)... How can you do that? ...(Interruptions)...

THE DEPUTY CHAIRMAN: I have to adjourn the House for lunch. ... (Interruptions)... Please conclude. ... (Interruptions)...

SHRI S.S. AHLUWALIA: I am concluding, Madam. मैडम, हमारे यहां स्टेंडिंग कमेटियां हैं और हम हर बिल पर, हर एक्ट पर बहस करते हैं ! ट्रांसपेरेंसी के नाम पर सरकार अगर पैनल बनांकर भेजती है कि उस का अप्वाइंटमेंट हो तो सरकार पर शक किया जाता है । ट्रांसपेरेंसी के नाम पर खदन में हम ने बहस कर के फैसले किए और कानूनों में प्रावधान लाए गए कि जब भी ऐसी किसी संस्था का अध्यक्ष चुना जाना हो या नियुक्त किया जाना हो तो ट्रांसपेरेंसी के नाम पर उस की एक सर्च कमेटी बनती है या देश के जो मुख्य-न्यायाधीश हैं, उन पर निर्णय छोड़ दिया जाता है और वहां से जो नाम आते हैं, उसी जज को नियुक्त किया जाता है । अब ऐसी नियुक्तियों के बीच में ऐसी बातें ढूंढना ठीक नहीं है । ...(व्यवधान)... उपसभापित महोदया, चाहे वह इंश्योरेंस रेगुलेटरी अधॉरिटी हो, चाहे टेलिफोन रेगुलेटरी अधॉरिटी हो, चाहे एडवांस रुलिंग कमीशन हो, कानूनों के तहत ऐसे प्रावधान किए गण हैं और उन प्रावधानों के तहत यह किया जा रहा है । ...(व्यवधान)... मैडम, या तो यह सदन कहे कि यहीं पर बैटकर बहस करेंगे, फैसला करेंगे । ...(व्यवधान)...

उपसमापति : आप बैठ जाइए, बैटिए ।

श्री एस.एस. अहलुवालिया : इस के पीछे क्या है, यह सदस्य के रूप में मैं भी जानना चाहता हूं । ...(व्यवधान)...

उपसभापति : आप बैठते क्यों नहीं हैं ?

श्री संजय निरुपम : मैडम, एक मिनिट मुझे दे दें । मुझे आप की अनुमित से निवेदन करना था ...

उपसभापति : यह विषय खत्म हो, तब मैं बुलाऊंगी ।

श्री संजय निरुपम : मैडम, इतने बड़े-बड़े भाषण के लिए आप ने अनुमित दे दी । मैं सिर्फ इतना कहना चाहता हूं ...(य्यवधान)... यह हमारे देश में क्या चल रहा है ...

उपसभापति : अभी जवाब नहीं आ रहा है ।

श्री प्रफुल्ल पटेल (महाराष्ट्र): आप यह मुद्दा उठा सकते हैं तो मैं भी उठा सकता हूं । ...(व्यवधान)... आप इस तरह जो भी बोलना चाहेंगे तो क्या हम बोलने देंगे । ...(व्यवधान)...

उपसभापति : देखिए, बैठ जाइए । ...(व्यवधान)... आप शांति से बैठिए । ...(व्यवधान)...The former Law Minister wants to speak...(Interruptions)...He has a right to speak.

श्री संजय निरुपम : मैडम, मेरी बात सुन लीजिए, उसके बाद मंत्री महोदय बोलें । ...(व्यवधान)...

उपसभापति : अभी मंत्री जी की बारी नहीं आई है । ...(ब्यवधान)...

श्री संजय निरुपम : महाराष्ट्र में ऐसा कभी नहीं हुआ, मैडम । ...(व्यवधान)...

उपसभापति : आप बैटिए, प्लीज। मंत्री जी तो अभी जयाब देने को ही खड़े नहीं हुए हैं ।

श्री संजय निरुपम : महोदया, मेरा निवेदन है कि मंत्री महोदय जवाब दें, उससे पहले(व्यवधान)

उपसभापति : आपको मालूम है, अरूण जेटली जी अब मंत्री नहीं हैं । ...(व्यवधान)...

श्री संजय निरुपम : महोदया. ...(व्यवधान)...

श्री लालू प्रसाद : आप क्यों गला खराब कर रहे हैं ? ...(व्यवधान)...

श्री संजय निरुपम : आपको मालूम है, पूरे महाराष्ट्र में लोगों के घर जलाए जा रहे हैं । ...(व्यवधान)... श्री जसवंत सिंह: मैडम, मैं माननीय सदस्य को आग्वस्त करना चाहूंगा कि इस विषय पर जैसे ही जो स्पष्टीकरण देने हैं, उनको देने के उपरान्त जो आपकी विंता है, जो आपका विषय है, जो आप उठाना चाहेंगे, मैं निश्चित रूप से आपको उसका समुचित जवाब दूंगा । ...(व्यवधान)...

SHRI NILOTPAL BASU: Madam, I am on a point of order...(Interruptions)...

SHRI PRAFUL PATEL: Madam, have you given any ruling? ...(Interruptions)...Why is the hon. Leader of the House giving assurance on behalf of you? ...(Interruptions)...I have a point of order ...(Interruptions)...I have a point of order ...(Interruptions)...

SHRI SANJAY NIRUPAM: No point of order can be raised during the Zero Hour...(Interruptions)...

SHRI PRAFUL PATEL: Madam, I have a point to make...(Interruptions)...

THE DEPUTY CHAIRMAN: I will adjourn the House...(Interruptions)...

श्री संजय निरुपम : महोदया, मेरे विषय को समापति जी ने स्वीकार किया है, मेरे नोटिस को एडमिट किया है और इसलिए मेरा निवेदन है कि मेरी बात सुन ली जाए । ...(व्यवचान)...

श्री जीवन राय (पश्चिमी बंगाल) : कोई निवेदन नहीं । ...(व्यवधान)...Madam, in between this discussion, i also have a major issue on the closure of fertilizer plants...(Interruptions)...If you allow him, you should also allow me to speak...(Interruptions)...

उपसभापति : प्लीज आप लोग बैठ जाइए । ...(व्यवधान)...एक मिनट, बैठिए । आप बैठिए । ...(व्यवधान)...The House is adjourned for ten minutes.

The House then adjourned at four minutes past one of the clock.

The House re-assembled at fourteen minutes past one of the clock,
THE DEPUTY CHAIRMAN in the Chair

उपसभापति : अरुण जेंटली जी, आप कुछ कह रहे थे ।

श्री संजय निरुपम : मैडम, ...(व्यवधान)...

उपसमापति: संजय जी, आप बैठ जाइए । ...(व्यवधान)...देखिए, एक मसला खत्म हो जाए, उसके बाद ही दूसरा लिया जाता है, ऐसे थोड़े होता है कि बीच-बीच में कुछ भी बोल देते हैं । Let it finish. Let the Minister reply. ...(व्यवधान)... संजय जी, एक विषय खत्म हो रहा है, हमारी प्रधा है, आप प्रथाएं मत तोडिए। चेयरमैन साहब ने आपको प्रशिशन नहीं दी है. यह कहा है कि इस विषय पर हाऊस में चर्चा होनी चाहिए कि यदि स्टेट मेटर्स को हम यहां हाऊस में उठाएंगे तो फिर स्टेट लेजिस्लेचर्स की क्या जरूरत है, उनको वाइंड-अप कर दें। ...(व्यवधान)...

श्री संजय निरुपम : मैडम, यह विषय सिर्फ राज्य का नहीं है, यह विषय आतंकवाद से जुड़ा हुआ है । ...(व्यवधान)...मानवाधिकारों का उल्लंघन हो रहा है । ...(व्यवधान)...

उपसभापति : अच्छा, मानवाधिकारों पर बाद में होगा, पहले इनके मानवाधिकार को हो जाने दीजिए, उसके बाद । ...(स्ववधान)...

श्री संजय निरुपम : पहले मुझे यह आश्वासन दिया जाना चाहिए कि इस विषय पर मुझे बोलने की अनुमति दी जाएगी ।

उपसभापति : नहीं, मैं कोई आश्वासन नहीं दे सकती । ...(व्यवधान)...Nothing is going on record. ...(Interruptions)... अभी कुछ रिकार्ड में नहीं जा रहा है । बैठ जाइए। ...(व्यवधान)...बैठ जाइण । ...(व्यवधान)...वेठ जावेठ जावेठ

SHRI SWARAJ KAUSHAL: Madam, I am on a point of order. ... (Interruptions)...

उपसभापति: आप बैटिए न। Everybody should sit down. ...(Interruptions)... I am not allowing anybody. ...(Interruptions)...

Let me put the record straight. ...(Interruptions)...Please listen to me. ...(Interruptions)...अच्छा बैटिए तो । एक मिनट शांति से बैटिए । ...(व्यवधान)...आप भी बैटिए चुपचाप । ...(व्यवधान)...बैटिए, बैट जाइए । आप बैटिए । ...(व्यवधान)...आपको उठने के लिए मैंने नहीं कहा है। ...(व्यवधान)...आप चुप रहिए, बैटे रहिए । ...(व्यवधान)...

देखिए. जो लीडर आफ दि हाऊस ने बोला, उनको सुबह के मामले में मालुमात नहीं थी. ये यह समझे कि यह इसी विषय पर पूछ रहे हैं तो छन्होंने कहा कि आपकी कोई दुविधा होगी तो उसका भी मैं जवाब दे दूंगा । यह जवाब दे रहे हैं उस बात का, जो मसला इस हाऊस में श्री मनमोहन सिंह जी ने और दूसरे लोगों ने उठाया था, जिसके मैंने नाम पुकारे, उसके बारे में वह जवाब था । जहां तक स्टेट का मामला है, चेयरमैन साहब ने ...(व्यवधान)...आप मेरी बात तो सुनिए । ...(व्यवधान)...आप मेरी बात सुनिए । बैठिए तो । लडाई-झगड़ा करने से कोई फायदा नहीं । ...(व्यवधान)...The Leader of the House did not say anything. ...(Interruptions)... Do you think I have allowed him? ...(Interruptions)... He is speaking without my permission. ...(Interruptions)...Nothing is going on record. ...(Interruptions)... चेयरमैन साहब ने ऐडिनट नहीं किया है । ...(व्यवधान)... I will adjourn the House, if you don't listen to me. ...(Interruptions)... I will finish this whole matter in a minute. ...(Interruptions)... If you won't listen to me, I

will adjourn the House for the day, and you will have no say. ...(Interruptions)... Please sit down. ...(Interruptions)... Please sit down. ...(Interruptions)... Please sit down. ...(Interruptions)... बैठ जाइए । ...(व्यवधान)... बैठिए । बैठ जाइए । ...(व्यवधान)... आपका बहुत खराब इम्प्रेशन है । बैठिए। बैठ जाइए । बैठ जाइए । ...(व्यवधान)... आप क्यों खड़ी हो गई हैं ? आप बैठ जाइए ।(व्यवधान)... I am going to adjourn the House for the day. ...(Interruptions)... If everybody is going to behave like this, I have the authority to adjourn the House for the day, and, then, you will not be able to put forth your points...(Interruptions)... The Chairman had given me an instruction to first decide whether a State matter could be taken up in this House or not. ...(Interruptions)... Now, I have given my ruling and that's it. ...(Interruptions)... It is not going on record ...(Interruptions)...

श्री लालू प्रसाद: मैडम, मैं चेयर को सहयोग देना चाहता हूं। उपसभापति: शुक्रिया !

श्री लालू प्रसाद : मैडम, यह तो आपकी व्यवस्था है कि किसको बुलाएं और किसको न बुलाएं लेकिन माननीय निरुपम जी और श्री प्रफुल्ल जी के बीच में किसी मजबूत आदमी को बिठा दीजिए क्योंकि ये लोग भिड़ने वाले हैं ...(ब्यवधान)...

उपसभापति : आप बैठ जाइए । मैं आपको यह आदेश देती हूं कि आप उनके बीच में बैठ जाइए ।

> श्री सतीश प्रधान : यह राज्यसमा है और राज्यसमा की गरिमा हम रखेंगे । उपसभापति : लाल जी, आप बैट जाइए वहां ।

SHRI ARUN JAITLEY (Gujarat): Madam Deputy Chairman, I am extremely grateful to you for permitting me a few minutes to intervene in this issue which has been raised. Madam, I myself and my party are all distressed over the manner in which, in and outside this House, this issue has been raised, because even though it is being said that it relates only to the Government, in effect, in sum and substance, it is the judiciary which is being dragged into a controversy, which could have been avoided...(Interruptions)... Madam, it has been ...(Interruptions)...

THE DEPUTY CHAIRMAN: Let him have his say. When you were speaking, he did not interrupt you. And, one thing is clear. He will not speak what you are going to speak. He, as a Member of this House, has a full right to express his opinion ...(Interruptions)... And it is my duty to allow him.

SHRI ARUN JAITLEY: It has been a well-established convention that even when different retired judges and judicial officers are appointed to

various quasi-judicial bodies, the Chief Justice of India is normally consulted. Such consultations have taken place. It has also been a convention that when Chief Justices recommend names, the Governments don't start contesting those names. Normally, the recommendations made by the Chief Justice of India are accepted ... (Interruptions)... Madam, it is also in the interest of fairness, particularly, in matters of this kind, that when names are suggested by Chief Justices, they are normally accepted, and this whole concept, which is now being suggested, that there should be informal consultations on such sensitive matters, between the Chief Justice of India and the Government, is wholly unheard of. If ever ... (Interruptions)... it has taken place in the past, it is, certainly, not healthy, both in the interest of independence of judiciary, as well as in the interest of independence of these Tribunals. Madam, in this case, it is customary that when the Chief Justice of India assesses that the quantum of work involved in a particular assignment is limited, the same person is, at times, asked to take up assignments more than one in number. ...(Interruptions)...

उपसभापति : आप सून लीजिए, बात सुनिए । सूनने में क्या है ?

SHRI ARUN JAITLEY: On an earlier occasion, when the name of Justice S.C. Sen was recommended by the Chief Justice of India to be the Chairperson of the Advanced Rulings Authority, he was not merely the Chairperson of this Authority; simultaneously, he was also the Chairman of the National Consumer Forum...(Interruptions)...

SHRI KAPIL SIBAL: But he was not investigating...(Interruptions)...

SHRI ARUN JAITLEY: Thereafter, he was also the Chairperson of the Authority hearing appeals against the orders of TRAI. Therefore, all these appointments were made on the recommendations made by the respective Chief Justices at that time. Even today, you have a retired Judge of the Supreme Court, Justice G.T. Nanawati, who is inquiring into the 1984 Delhi riots. He is also one of the two persons who are Members of the Commission Inquiry inquiring into the Guiarat ...(Interruptions)... He was also inquiring into the lathi-charge against lawyers. So, the same person was having three assignments, given to him on the recommendations made by the Chief Justice of India. In none of these matters, the Government had any say. In this case, Justice Venkataswami ...(Interruptions)...

डा. अबरार अहमद (राजस्थान) : मैडम, ये रीयल इंप्लीकेशन पूछ रहे हैं या मिनिस्टर के बिहाफ पर बयान दे रहे हैं ...(व्यवधान)... THE DEPUTY CHAIRMAN: He is speaking as a Member of this House. I am not to decide it. It is not my duty to write the reply for anybody. He is speaking on what he knows. You spoke on what you know. Let him speak.

SHRI ARUN JAITLEY: Madam, in this case, Justice Venkataswami was already the Chairperson of the Railway Rates Tribunal for the past three years, which functions from Chennai. That appointment was made on the recommendation of the then Chief Justice. It was the Chief Justice, at the time of the Tehelka Inquiry, who again recommended his name to head this particular inquiry. He was simultaneously heading two inquiries, and nobody raised an objection that when a person is already heading one inquiry, why should he be appointed as far as Tehelka inquiry is concerned. ... (Interruptions)... Thereafter, when the Finance Minister writes to the Chief Justice on 27th of September, the Government -- unlike what has been suggested -- does not suggest any name or any panel of names. This is never done in the past. The Government merely says, "We request you to nominate a Judge to head this particular authority." ... (Interruptions)...

SHRI NILOTPAL BASU: Madam, I am on a point of order. How is he having that paper, a Government classified document? ...(Interruptions)...

SHRI ARUN JAITELY: Madam, I am afraid ... (Interruptions)...

SHRI NILOTPAL BASU: He is reading from that(Interruptions)... He has taken the paper from the Government files. ...(Interruptions)... He is not a member of the Council of Ministers.(Interruptions)...

SHRI ARUN JAITELY: Thereafter, the Chief Justice of India ...(Interruptions)...

SHRI NILOTPAL BASU: It is a serious matter. ...(Interruptions)... The classified document belongs to the Government. ...(Interruptions)... When the Leader of the House does it, we understand. But why is it ...(Interruptions)...

SHRI ARUN JAITLEY: Madam, thereafter, the Chief Justice of India writes to the Government saying, "I have considered the matter; I have considered all names. ...(Interruptions)... I am recommending the name of Justice Venkataswami. ...(Interruptions)... I have even taken his consent." ...(Interruptions)... It would be inappropriate for any Government then to start overruling the recommendations of the Chief Justice of India. ...(Interruptions)...

THE DEPUTY CHAIRMAN: Let him speak.

SHRI ARUN JAITELY: Madam, a strange suggestion is being made by them that there should be informal consultations between the Chief Justice of India and the Government of India. The Opposition Benches today are privileged to have amongst them the presence of a former Chief Justice of India: they also have the presence of a former Law Minister, both very eminent in their own rights. But, at the same time, both of them would know from their experience that when names are to be suggested. independent names are to be suggested, it is wholly and entirely for the Chief Justice of India to apply his own mind. Maybe, he would consult his colleagues in the Supreme Court, but, certainly, not consult the Government of India as to what name he should suggest for a particular assignment. This has never been done. If it was ever done in the past, if it was a practice, it has been discontinued in this case. It is only appropriate that it should be discontinued as far as the future is concerned. What, in effect, is being guestioned is: Why did the then Chief Justice, Justice Bharucha recommend his name? ...(Interruptions)... This is, in effect, what you are suggesting. ... (Interruptions)... Why did Justice Venkataswami accept the assignment? ... (Interruptions)... All that the Government did was that the Government accepted the recommendations of the Chief Justice which was the appropriate thing to do. Justice Venkataswami, whose letter also -- I am told -- is now available with the Government. I understand, has also said, "At no point of time, the Government ever approached me in this matter. It was only at the suggestion of the Chief Justice of India that I accepted this." ... (Interruptions)... What then lies in this issue to say that should have Government declined the appointment him?...(Interruptions)... The Government had absolutely nothing to do with the selection of the personnel. The Government has merely notified what was the suggestion of the Chief Justice of India. Thank you, Madam.

SHRI HANSRAJ BHARDWAJ: Madam, I will not say anything controversial because, Arun had a small spell of experience in the Law Ministry. I have 10 years' experience, and I have substantial knowledge of what happens in such matters. I would like to correct the hon. Member on two points. Our Government had never taken the shield of letters of Judges in Parliament. This is one thing. This is a wrong precedent being set by the Leader of the House as well as by the hon. Member. Judges are not Members of this House. Saying anything controversial about a Judge should be avoided whether he is a sitting Judge or a retired Judge. At the

outset, I would say that it is a recent practice that you disclose confidential papers to media as well as flaunt them in the House. We do not have any such access to these letters. The controversy arose when one particular Minister in this Government raised the objection that it is not mandatory to consult the Chief Justice of India in one appointment of the MRTP, and, perhaps, it was Justice Lall. That controversy was raised by your Government, and we were not a party to that. Therefore, to say that there is a convention to appoint one judge to many offices is not correct. It is unprecedented. You will not find such a case, except in the case of this Government where one judge dealing with a very sensitive matter, viz. the Tehelka inquiry was given another appointment. The Tehelka issue rocked this House and we were notable to transact any business for several days. My point is, you were not fair in giving another appointment to that very judge. I have the highest regard for the hon, Judge. We have nothing against him. But a genuine apprehension has been raised in the public mind that you are not sincere about a fair probe. It is the duty of your Government, Mr. Leader of the House, to see that the sincerity of the Government, about a probe in which the Defence Minister is involved, is reflected in the public eye.. You may defend it, Mr. Arun Jaitley, but it does not stand on the point of propriety. I have told you it is not fair to use the letter written by judges as a defence of the action of the Government. You may try to convince us, by your arguments that there have been no dilatory tactics in this probe, but the public opinion is to the contrary. I challenge you to point out any instance where, in the middle of any inquiry, a judge was burdened with a second job. It happened, again, not during the tenure of our Government, when Justice Sen was given two assignments. It is well-known how thereafter, Justice Sodhi was bundled out of the TRAI, for reasons best known to you. Justice Sodhi was an excellent judge. What happened to him? Why was he shunted out? Nobody knows about that. So, these are matters of probity. If you have got any concern, you should satisfy this House that the Tehelka probe will be conducted with utmost sincerity and fairness. What has happened actually is that the Counsel for the Defence Minister has been appointed as a Law Officer. We would not like to go into it. But, our concern is this. This House wants a full debate on this matter. You can use your eloquence at that time to convince us that we are wrong and you are right. Thank you.

SHRI ARUN JAITLEY: Since my learned friend, Shri Bhardwaj ...(Interruptions)...

SHRI NILOTPAL BASU: Madam, he is not the Minister concerned. No private Member has been given the privilege to speak twice. He cannot be allowed to speak again.

श्री प्रेम गुप्ता : मैडम, क्या ऐसे ही डिबेट होती रहेगी? ...(व्यवधान)...

THE DEPUTY CHAIRMAN: I allowed Mr. Bhardwaj to speak twice.

SHRI NILOTPAL BASU: On his statement, you cannot allow him to speak again.

THE DEPUTY CHAIRMAN: Don't teach me rules. Anybody whose name has been referred to, has a right to give an explanation. इन्होंने एक्सप्लेनेशन दे दिया है। अभी उन्होंने भी कुछ कहना है। आप एक-दूसरे का नाम क्यों लेते हैं?

SHRI ARUN JAITLEY: I just wish to clarify one point. I had mentioned that there were several precedents where the Chief Justice of India had advised the appointment of retired judges to more than one tribunal. In each of the case, whichever Government had done it, it was on the recommendation of the Chief Justice of India and nobody else. Therefore, unless there is an innuendo that there is some informal consultation, which is absolutely incorrect, these appointments have all been made on the recommendation of the Chief Justice. Let me remind my learned friend when he says that Mr. Sodhi was bundled out. It is a very unfortunate phrase that he has used. The TRAI Act was amended by Parliament. TRAI and an Appeal-Tribunal, two separate authorities, were created, and the original authority stood extinguished, because this House, along with the other House, unanimously passed an amendment to that Act. He was not bundled out. It was because of the change of law that two authorities were created, and Justice Sodhi chose to keep out of both.

SHRI HANSRAJ BHARDWAJ: It was recommended by the CJI.

SHRI ARUN JAITLEY: That is, again, factually incorrect. ...(Interruptions)...

THE DEPUTY CHAIRMAN: No questions please. The Leader of the House wants to reply. So, please, give him an opportunity to speak.

SHRI JASWANT SINGH: Madam, I will not like to prolong this discussion. Inevitably the discussion started on a clarification that I had offered to give to the House. It went far beyond and a number of related and unrelated issues were dragged in. It is not my intention to prolong either the controversy or the agony of the hon. Members. I take seriously what

the hon. Leader of the Opposition has said that we are attributing any motive. I attribute no motive, certainly not, to the Leader of the Opposition, or indeed, to any hon. Member of the House. Equally, I trust that the Leader of the Opposition or the hon. Members are attributing no motive to the Government, though this is not borne out by the statements of the hon. Members. Nevertheless, let that pass. There was a suggestion that no aspersions have been cast on the judiciary or the hon. Justice Venkataswami. I refer only to what Justice Venkataswami himself has said. that aspersions have been cast on him, and that is why he was pained. Now, I am gratified, Madam, by the assurances that several hon. Members have given, about not wanting to cast aspersions that they have the highest regard for the judiciary, that they have no motive, etc. It was because there was considerable gap between the stated intent and the demonstrated action, therefore. I raised this issue. The Government did not propose his name. It was again averred by an hon. Member speaking on behalf of the Congress Party, that the Government proposed his name. The Government did not do so. The Chief Justice said that this should be done. The position has been explained by my distinguished colleague, whose legal experience, understanding and knowledge, I always defer, because he is certainly much better in legal experience that I can ever hope to be. I am very grateful to him for having clarified several issues. I do not wish to repeat the precedents, etc., that have been cited. Madam, the Government shall not permit this inquiry to be compromised, sabotaged or, in any fashion, incomplete ... (Interruptions)...

THE DEPUTY CHAIRMAN: Let him reply, please.

SHRI JASWANT SINGH: It is our bounden duty. We shall not permit this inquiry either to be compromised or be diluted in its intent or be sidetracked. We are committed and determined to ensuring that the enquiry comes to a final finding, at the earliest possible. For that purpose, we would examine this question at some length, and I will inform the hon. Members of the House about it. माननीय लालू प्रसाद जी ने विशेषकर तीन विषय उटाए I एक मेरे मंत्रिमंडल के सहयोगी के बारे में है I मैं क्योंकि उस विषय से जुड़ा हुआ नहीं था इसलिए उस पर अभी चर्चा नहीं करना चाहूंगा I माननीय जनेश्वर जी ने कुछ आत्मकथा के भाव में अपने

श्री जनेश्वर मिश्र : जज की चिट्टी आपको नहीं पढ़नी चाहिए थी । जज की चिट्टी जो आपने पढ़ी, उससे इस सदन को चोट लगी ।

श्री जसवंत सिंह: उसी का मैं जिक्र कर रहा हूं पर जो आपने कहा, कुछ आत्मकथा के भाव में और कुछ यूनिवर्सिटी के दिनों के अपने संरमरण सुनाए ।..(व्यवधान).. इसी तरह माननीय भारद्वाज जी ने भी कहा कि यह जो चिट्ठी है, इसका उल्लेख सदन में नहीं होना चाहिए था । महोदया, इसमें दो विचार हो सकते हैं । माननीय बसु साहब ने भी फरमाया कि जिस चिट्ठी का उल्लेख मेरे सहयोगी मित्र ने किया है....

श्री जनेश्वर मिश्र : सरकार की चिट्ठी है ।

श्री जसवंत सिंह: जी, सरकार की चिट्ठी है । मैंने कहां कहां ये चिट्ठियां उसी दिन, शुक्रवार के दिन सूचना के लिए मिजवाई थी, मैं उसका उल्लेख नहीं करना चाहता पर मैंने इसे अपना फर्ज समझा कि जितने लोगों को मैं इसकी सही जानकारी दे सकूं, दूं क्योंकि यह कोई गुप्त चिट्ठी नहीं थी, यह कॉन्फीडेंशियल लैटर नहीं था, यह एक क्लासीफाइड डाक्यूमेंट नहीं है । जहां तक जस्टिस वेंकटस्वामी साहब की चिट्ठी का सवाल है, उनका इस्तीफा देने के बाद जब तक उनके इस्तीफे को स्वीकार नहीं कर लिया गया, तब तक उस चिट्ठी का खुलासा नहीं किया गया और जब जस्टिस वेंकटस्वामी साहब का इस्तीफा स्वीकार हो गया तब यह मुझ पर लाज़िमी बनता था । जनेश्वर जी, आपके विचारों का तो मैं आदर करता हूं, आप अपने विचारों के पीछे पूरे राजनीतिक जीवन का अनुभव लाते हैं । हो सकता है कि आपके सभी विचारों से मैं सहमत न होऊं लेकिन यह कभी मत समझिएगा कि मैं आपके विचारों का आदर नहीं करता । जब आपने कहा कि यह चिट्ठी क्यों पढ़ी तो यह चिट्ठी या अन्य कोई इस प्रकार का डॉक्युमेंट होता तो हम नहीं करते लेकिन ...(व्यवधान)...

श्री जनेश्वर मिश्र : मैडम.....

उपसभापति : अभी उनको जवाब तो देने दीजिए ।

श्री ज़नेश्वर मिश्र: वे बैट गए हैं । मैडम, एक मिनट.....क्या नेता सदन को यह महसूस नहीं होता कि उस चिष्टी में जो लिखा है कि हम पर निजी aspersion किया गया, उससे इस सदन की या अपोजिशन की अवमानना हुई है ? क्या आप ऐसा महसूस नहीं करते ?

श्री संघ प्रिय गौतम : ऐसा नहीं है, ऐसा नहीं है ।

श्री जसवंत सिंह: माननीय जनेश्वर जी, क्योंकि इस प्रकार के विचार पहले भी आए हैं और अन्य संदर्भों में, दूसरे संदर्भों में भी यह बातचीत हुई है कि ज्यूडीशियरी की टिप्पणी सदन के बारे में हो या सदन की टिप्पणी ज्यूडीशियरी के बारे में हो, हमें उसमें बहुत ही संयम बरतचा चाहिए, मैं इससे सहमत हूं । क्या जज साहब ने जो फरमाया है, उससे सदन की गरिमा पर कहीं परछाई आती है ? मैं सोचता हूं कि यह परिभाषा हो सकती है पर उनका विचार समूचे सदन के प्रति बतौर संस्था पर किसी प्रकार की टिप्पणी करने का नहीं है । दोनों सदनों के भीतर उनके व्यवहार पर कुछ टिप्पणी हुई तो उन्होंने अपनी प्रतिक्रिया दी है, यह मैं कहना चाहता हूं । मैं फिर दोहराना चाहता हूं मैडम कि The Government is committed to complete this inquiry. ...(व्यवधान)...

श्री लालू प्रसाद : महोदया.....

उपसभापति: अभी वे बोल रहे हैं ।

श्री लालू प्रसाद : नहीं. अब वे बैठ गए हैं । हम लोग concerned हैं तहलका से और देश और दुनिया जानती है कि इस्तीफा हो गया और वह मंजूर कर लिया गया । अब ये जे.पी.सी. से जांच कराना चाहते हैं या नहीं ? अगर जे.पी.सी. से नहीं कराना चाहते हैं और सुप्रीम कोर्ट से राय लेनी है तो पैनल ऑफ जजेज़, जो सुप्रीम कोर्ट से रिटायर्ड हैं और प्रधान मंत्री और लीडर ऑफ अपोज़िशन सोनिया गांधी जी, दोनों की राय से जो सहमति बन जाए इस देश में, उनसे नए सिरे से जांच कराई जाए । पता नहीं कागज़ पर क्या-क्या कहां हैं ? हम तो वहां से बाहर हैं । जो चीज़ सदन जाननां चाहता है, इसको आप स्पष्ट कर दीजिए । आपने कहा है, यहां घोषणा की है कि हम कमिटेड हैं फेयर और निडर होकर, किसी को साइड ट्रैक करने की बात नहीं है, इस इनक्वायरी को जल्दी पूरा करेंगे तो मैं जानना चाहता हूं कि जो सवाल हम लोगों ने उठाया है, इस पर आपकी क्या टिप्पणी है ?

श्री जसवंत सिंह: यह एक व्यावहारिक और उचित प्रश्न है, ऐसा मैं सोचता हूं और इसी का उत्तर मैं देने जा रहा था। एक ही बात से मुझे अब इस सदन को अवगत कराना है। मैंडम, जब इसकी जानकारी मिल गई तो आज जो स्थिति है, वह यह है कि यह इनक्वायरी कमीशन ऑफ इनक्वायरी ऐक्ट के तहत नियुक्त हुई है। यह इनक्वायरी बंद नहीं हुई है। जज साहब जो उस इनक्वायरी में थे, वे नहीं हैं। उनकी जगह चीफ जस्टिस, सुप्रीम कोर्ट की सलाह से, जल्दी से जल्दी उनकी राय पर एक नई नियुक्त हो, उसमें निश्चित रूप से जो आपने सुझाव दिया है कि प्रतिपक्ष की भी सलाह उसमें लेनी चाहिए, हम प्रधान मंत्री जी से यह निवेदन करेंगे कि हमारे सदन में इस प्रकार का सुझाव आया है कि प्रतिपक्ष से पूछ लें, तो उसमें कोई दिक्कत नहीं है। परंतु अंत में तो यही होगा जो चीफ जस्टिस, सुप्रीम कोर्ट इस पर कहेंगे। यह इनक्वायरी चलेगी, हम इस इनक्वायरी को जल्दी से जल्दी पूरा कराने के लिए कटिबद्ध हैं। मैं संसद से, सभी सांसदों से निवेदन करूंगा कि वे इस बात को यहीं समाप्त करें, इनक्वायरी को तत्पर और जल्दी कराने के लिए हम आगे चलें, यही मेरा निवेदन होगा। ...(व्यवधान)...

श्री संजय निरुपम : मैडम, मैडम......

उपसभापति : अब लीडर ऑफ अपोज़िशन कुछ कहना चाहते हैं । ...(व्यवधान)...

श्री संजय निरुपम : मैडम, लीडर ऑफ अपोज़िशन कितना बोलेंगे ? क्या किसी और सदस्य को कोई अधिकार नहीं है सदन में ? एक ही विषय पर कितनी देर तक बहस चलेगी ? और भी विषय हैं, और भी मुद्दे हैं । ...(व्यवधान)...

श्री संजय निरुपम : सदन के नेता अपना पक्ष रख चुके हैं ...(व्यवधान)...ऐसा कैसाः विलेगा ...(व्यवधान)...इस पर भी आपका ध्यान आना चाहिए ...(व्यवधान)...

उपसमापति: आफ्ने अफ्नी बात मेरे ध्यान दिए बगैर ही कह दी ।

श्री संजय निरुपम : नहीं कही ।

उपसभापति : मैंने इजाजत नहीं दी, उसके बावजूद भी आपने बोल दी ...(व्यवधान)...आप मेरी कौन-सी बात मान रहे हैं, इसलिए बैठ जाइए ।

THE DEPUTY CHAIRMAN: The Leader of the Opposition wants to say something. आप बोलिए सर, मैंने आपको नहीं बिटाया, उनको बिटाया है ।

DR. MANMOHAN SINGH: Madam, I once again wish to assert that it was never our intention to cast any aspersion on our judiciary, or, on Justice Venkataswami. I wish to state it once again, and there should be, I think, no doubt about our regard for judiciary or the Chief Justice of India, or for Justice Venkataswami. Madam, the real issue, as some of our colleagues wish to point out, was the conduct of the Cabinet Committee on Appointment. We would like to know from the Government, was the Cabinet Committee ever made conscious of the fact that Justice Venkataswami was investigating the conduct of the Government, a very important Minister of the Government? That point has never, I think, been clarified. We find the explanations, the statement given by the Ministers, thoroughly unsatisfactory. We feel this is something which calls for a detailed debate in the House...I mean, the future of the Tehelka inquiry, How is it going to be completed? Nearly 20 months have already passed. We do not know what will be the fate of this inquiry. We have fears that dilatory tactics are being adopted to ensure that this inquiry never reaches its end. Therefore, at this stage, all that we can do is to express our anguish by way of walking out of the House.

At this stage, some hon'ble Members left the Chamber.

SHRI ARUN JAITLEY: That the conduct of a Cabinet Minister has been inquired into is factually wrong. There is no notice against Mr. George Fernandes on a question of his conduct being inquired into. He should clarify his facts.

THE DEPUTY CHAIRMAN: The House is adjourned for lunch for one hour.

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

The House re-assembled after lunch, at fifty minutes past two of the clock,

[THE VICE-CHAIRMAN (SHRI SANGH PRIYA GAUTAM) in the Chair.]

STATUTORY RESOLUTION

SEEKING DISAPPROVAL OF THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST (SECOND) ORDINANCE, 2002 (NO.3 OF 2002)

AND

GOVERNMENT BILL

THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST BILL, 2002.

SHRI KAPIL SIBAL (Bihar): Mr. Vice-Chairman, Sir, I beg to move:

"That this House disapproves the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (Second) Ordinance, 2002 (No.3 of 2002) promulgated by the President on 21st August, 2002."

Sir, I consider it a privilege to move this Statutory Resolution. But I would like to say, at the outset, that, in the ultimate analysis, we, the Congress Party, would support the legislation and have it passed. I would like to give an explanation as to why this Statutory Resolution was moved. We believe that an economic legislation of this magnitude and complexity should only be brought to the House through a process of discussion and discourse with all the constituents of Parliament. We believe that an economic legislation of far-reaching importance and far-reaching significance, especially, in the context of mounting NPAs, which have risen over the years, should not be brought through the Ordinance route. The Ordinance route should only be used in certain very extra-ordinary situations, and in an emergency, when no other recourse is possible. with this in mind that we have moved this Statutory Resolution, because we do disapprove this particular avenue that the Government has adopted. It is not the first time that the Government has adopted this avenue. There have been several occasions in the past, and I may remind the House, that on most of the occasions, we took objection to that, whether it was with respect to the amendment to the Passports Act, which was brought through the Ordinance route, or whether it was with reference to the taking over of the Sapru House, which was also brought through the Ordinance route. On all these occasions, we raised objection. Then we had consultations with the Treasury Beriches; and, pursuant to the consultations, those Bills were moved and passed. In this context also, I would like to say that this