

12.14 1/2 hrs.

[English]

COTTON GINNING AND PRESSING FACTORIES
(REPEAL) BILL*

THE MINISTER OF TEXTILES (SHRI R.L. JALAPPA): Sir, I beg to move for leave to introduce a Bill to repeal the Cotton Ginning and Pressing Factories Act, 1925.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to repeal the Cotton Ginning and Pressing Factories Act, 1925."

The motion was adopted.

SHRI R.L. JALAPPA: Sir, I introduce the Bill.

Sir, along with this, I also lay on the Table the explanatory note about this Bill.

12.15 hrs.

[English]

DISCUSSION UNDER RULE 184

Serious Situation Arising out of the Recent
Development in Bihar

MR. DEPUTY-SPEAKER: Now we shall take up item No. 15—further discussion on the Motion moved by Shri Atal Bihari Vajpayee on the 24th July, 1997, as Adjournment motion and converted into Motion under Rule 184. Shri Tariq Anwar is to continue his speech.

[Translation]

SHRI TARIQ ANWAR (KATIHAR): Mr. Deputy Speaker, Sir, I had made it clear yesterday that so far as corruption was concerned, the Congress would not compromise at any cost. ...*(Interruptions)*

Sir, not only I, but Shri Atal Bihari Vajpayee had also stated same thing yesterday. He had said that there had been tradition from the time of Pt. Jawahar Lal Nehru that whenever any allegation was levelled against any Union Minister, Chief Minister or Governor during Congress rule, he willfully resigned from the office. ...*(Interruptions)*

SHRI ATAL BIHARI VAJPAYEE (LUCKNOW): Mr. Deputy Speaker, Sir, a distorted version of my speech delivered yesterday is being presented here. If allegation of corruption is levelled against somebody, it is obvious that the person is involved in corruption. Is it right to first indulge in corruption and then resign? It is right that one should resign from the office but the question is why do people indulge in corruption?

SHRI TARIQ ANWAR: Sir, Shri Vajpayee, though unwillingly, has admitted that resignations have been tendered and most of them were Congressmen.

[English]

SHRI PRADIP BHATTACHARYA (SERUMPORE): You are trying to suppress corruption whereas Congress is fighting corruption.

[Translation]

SHRI TARIQ ANWAR: Sir, as I have said earlier, Congressmen be they Chief Ministers, Ministers or persons occupying higher offices in the party, had resigned from their office when allegations of corruption were levelled against them. It is the tradition of the Congress. You must recall that Shri Narasimha Rao had also resigned ...*(Interruptions)*

Sir, it sounds strange when Bhartiya Janata Party says that they should speak against corruption because on the one hand, they are demanding the resignation of the Chief Minister on the plea that the charges of corruption have been levelled against him and he has been chargesheeted but on the other hand, the party is unable to sack its party president who has also been chargesheeted...*(Interruptions)*

SHRI HARIN PATHAK (AHMEDABAD): He has declared that he would not contest election all his life.

SHRI TARIQ ANWAR: Sir, the day Shri Laloo Prasad Yadav was chargesheeted by the CBI, the Congress Party had made its stand clear and I as well as the Congress President Shri Sitaram Kesri and the Pradesh Congress Committee at all levels had demanded that Shri Laloo Prasad should resign from the office ...*(Interruptions)* we have always talked of values. ...*(Interruptions)* We have always maintained that a person in public life should have clean image. It was in this process that even when the Congress ministers were not chargesheeted in Hawala Scam, though allegations were levelled against them, they had resigned from their offices.

Sir, so far as the support to Lalooji is concerned, I would like to remind my colleagues in BJP that we did not extend our support to Lalooji in 1990 for making him Chief Minister. Rather the BJP did so, and we opposed this move ...*(Interruptions)*. The Congress raised its voice against Lalooji from 1990 till date. Even today, we believe ...*(Interruptions)*

SHRI VIJAY GOEL (SADAR DELHI): That is why you saved Lalooji's Government ...*(Interruptions)*

PROF. RITA VERMA (DHANBAD): They have been wiped out from Bihar when they raised their voice.

SHRI TARIQ ANWAR: Persons like me were happy when Lalooji became the Chief Minister in 1990. We had thought that the youth who had emerged as a leader from the movement launched by Shri Jai Prakash Narayan would certainly contribute for the development of Bihar, removal of poverty from Bihar and for the State's progress, but we

*Published in the Gazette of India Extraordinary, Part II, Section-2 dated 25.7.97.

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were disappointed and we have been opposing and criticising him not only for the last 5 years but since his elevation to the office of the Chief Minister.

The BJP which always supported him is levelling allegations against us. I would like to make it clear that the Congress can never compromise with corruption ...*(Interruptions)* I am stating the fact ...*(Interruptions)*

DR. DEPUTY SPEAKER: I request that there should not be long interruptions, though short interruptions could be allowed.

SHRI TARIQ ANWAR: I am speaking the truth and that is why it is pinching you.

Sir, I hoped that the speech of Atal Bihari Vajpayee on corruption would not be politically motivated since the issue of corruption is a national issue and we all, by raising ourselves above party politics, will have to ponder over it. After all, the public which elects us pin their hopes on us and if we are tainted and chargesheeted, then how could we provide a neat and clean Government? Purohitji had levelled allegations against his deputy chief minister Shri Munde ...*(Interruptions)* Atalji did not mention about it. The corruption prevalent in Rajasthan ...*(Interruptions)*

PROF. RASA SINGH RAWAT (AJMER): There is no corruption ...*(Interruptions)*

SHRI GIRDHARI LAL BHARGAVA (JAIPUR): There is no corruption in Rajasthan ...*(Interruptions)*

SHRI TARIQ ANWAR: He is a Member of your party ...*(Interruptions)*

PROF. RASA SINGH RAWAT: It is just like a thief who threatens the police ...*(Interruptions)*

SHRI KODIKUNNIL SURESH (ADOOR): There are allegations after allegations in Rajasthan ...*(Interruptions)*

SHRI DATTA MEGHE (RAMTEK): One hon. Member of Parliament from your party has stated it ...*(Interruptions)* what are you stating? ...*(Interruptions)* Your MP has chargesheeted. ...*(Interruptions)*

SHRI TARIQ ANWAR: I have to make one more point clear. Yesterday, Shri Vajpayee very strongly advocated Article 356. I still remember the day December 6, 1992 when Babri mosque was demolished.

At the time when the Constitution of India, the secularism of India was attacked, when they went back on their promise and when the Union Government dismissed the Government of Bhartiya Janata Party under Article 356, they not only vehemently opposed the move but went to court also we are happy that they have realised their mistake today. Today they have realised that Article 356 have been used properly during the Congress regime ...*(Interruptions)*

[English]

SHRI SOMNATH CHATTERJEE (BOLPUR): Mr. Deputy-Speaker, Sir, there cannot be running replies to every

sentence. There may be some interruptions, but not in every sentence.

MR. DEPUTY SPEAKER: I have already said that.

SHRI SOMNATH CHATTERJEE: Sir, yesterday Atalji rightly sat down. But the same thing is happening today.

[Translation]

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, what happened there yesterday, is perhaps happening here today ...*(Interruptions)*

SHRI SOMNATH CHATTERJEE: It is wrong. You please say that it should not happen ...*(Interruptions)*

MR. DEPUTY SPEAKER: Nidar ji, you may please sit down. You have made your point ...*(Interruptions)*

SHRI TARIQ ANWAR: As I have said we would have to look to the intention behind this motion. It this motion is truly against corruption, it is good. But if it only fulfils the political interest, we would have to think over it. As I have said at the beginning that the Congress has been opposing it at any cost and we have made a demand at every level that Lalooji should step down. I want to reiterate the same thing and would like to say clearly that it is wrong to think in such terms about the Congress. Yesterday Atalji asked as to what we did in Bihar, we could topple the Laloo Government in Bihar. We do admit that we remained neutral there. But the reason thereof was that on one side there was corruption and on the other side there was communalism before us. While we wanted to eradicate corruption at any cost, we also had resolved to fight against communalism and communal forces. We don't want at any cost that the Communal forces in this country take advantage of that. Therefore, our stand was quiet dear. There was no confusion regarding that.

I hope that it must have become clear from it now that the Congress has always, as history testifies, raised voice against corruption and will continue to raise it in future. With these words, I conclude my speech.

[English]

SHRI SOMNATH CHATTERJEE: Mr. Deputy-Speaker, Sir, I am happy that today we are discussing the issue procedurally in a more realistic form as a discussion under Rule 184 then as an Adjournment Motion. Of course, I am not questioning the hon. Speaker's decision.

Sir, it is a great agony that in the 50th year of our independence, when we are celebrating a great event in our national life the issue of corruption has come to occupy the centrestage and our national life today is being threatened. Today, the hon. new Rashtrapati, in his speech addressed to the nation, mentioned two aspects of our life very stridently and very pertinently.

One is the question of secularism which has to be maintained at any cost, and upon which there is a lot of attack being made; and no less important is the question

of corruption. In today's speech, he could not avoid mentioning it. With your permission, I wish to quote:

"On January 26, 1948 just a few days before his martyrdom, Gandhiji, at his prayer meeting, referred to the demon of corruption, adding that indifference in such matters is criminal. Since Gandhiji uttered these prophetic and cautionary words, corruption has become widespread; violence has been erupting in almost every walk of life, and the values which have been cherished are being eroded in an alarming manner."

Therefore, he has rightly and agonisingly referred to corruption having become widespread. It is being proved now. Since this Monsoon Session has started, this is the matter which is rightly agitating us.

Speaking on behalf of our Party, we have always insisted on total probity and morality in public life. That is why, while I was opposing the form of motion, I made it very clear that we want an immediate discussion on the issue of corruption which is eating into the vitals of our nation.

Sir, the question here is a question of what is happening in Bihar. Although the Motion does not mention any name, but we know who occupies the centre stage. The question is: what should have been done by the present Chief Minister of Bihar? I am one, and I am sure that everybody should be one on that view, who thinks that the presumption of innocence should prevail, whatever it may be. The personality should not create doubts over the very well established principle of civilised jurisprudence, namely, presumption of innocence. Earlier, when the occasion came, I said on the floor of the House that I am one who assumes him to be innocent. But there are some persons occupying certain positions in national life, who cannot allow themselves to be under a cloud or a shadow. Here, it is more than a cloud, in the sense that serious allegations have been made. The CBI still retains to some a lot of position about their efficiency and capacity, that they have filed charge-sheets against him—a Chief Minister who is facing not only an investigation but almost a trial. Yesterday, it has been accepted by the trying Magistrate or the designated Judge, and he has taken cognizance of the charge-sheet. Therefore, there is, according to the learned Judge and also the High Court, a *prima facie* case. The *prima facie* case has also been determined by the hon. Governor of Bihar. Therefore, in the fitness of things, he should have stepped down from his Office, waited for a judicial determination of the charges against him. If he is what he says, namely, that he is innocent, we have that faith in our judicial system, he would have been proved innocent and not guilty, and he would have come back with a higher image, a better image and in flying colours. Unfortunately, that friendly suggestion, I think it is a good suggestion given by many of us, was not accepted by Shri Laloo Prasad Yadav. His present dormant stature will not make him an enemy of us, at least not mine. But he unfortunately did not listen to the good

friendly advice.

Today, we have a situation where the whole country is agitated. There is nothing in the electronic media, print media and in the discussion among the people except corruption. "Is nothing else happening in this country? Everybody is corrupt" is what the people are thinking, may be in a way rightly. The judiciary is now admonishing all the Members of Parliament. If you kindly sum up the observations, one day, I do not know what will happen to the Parliament. I think, my days are numbered. But there are many young people—the next century belongs to the young. Every Member of Parliament, those present here and those who will come here, is being admonished as being corrupt or inefficient.

Therefore, the Judiciary is intervening in both the admittedly matters of the Legislature and the admitted matters of the Executive. We do not know where we are going. The supposed reason that they advance appears to be that we are not functioning, that we are corrupt, that the administration is corrupt and the politicians are corrupt. This is now getting ingrained in the minds of the people, the ordinary people and those who are bringing up their children that this is a country which is steeped into corruption. We know there is corruption. It is not only Shri Atal Bihari Vajpayee but everybody is saying about corruption. But instead of putting our heads together to weed out corruption, we are only utilising it as a political scoring point in the debates.

Now, the competition is: who is more corrupt amongst politicians? Will that solve the problem if we go by the fact that which party is more corrupt, which party is less conscious about weeding out corruption? If this type of accounts are to be taken, I do not know how we solve it. Sometimes it helps us politically. For example, if I get somebody as my opponent, I can accuse him of corruption. It may help me. But it does not help the polity. It does not help the country as a whole. It does not help the future. Therefore, this is a very very important matter. That is why, it has been rightly raised. The importance of probity, morality and legality in public life can never be minimised, can never be under-estimated or under-emphasised. Therefore, we have been saying that it is a country which has a tremendous potential; it is a country which has tremendous resources and it is a country which we say of tremendous present and future. But we are always non-achievers. We have become non-achievers. We are running after events. I find that we can no longer fashion the events. We have no national agenda today. The President has also to speak that there are certain things which should be above the party politics. But today we hardly find time here to discuss matters like the populist problems or population problems or poverty problems, problems like illiteracy, child care and attacks on women. Therefore, I very earnestly appeal that we should do something. Yes, there are many many issues in the country. We can make them very actualy political, acutely partisan. There is no doubt about it. There are many issues. We fundamentally differ on many issues. There is the question of secularism. There can be no compromise

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so far as we are concerned. There are certain issues, I am sorry to say, that we can never agree with the views of our friends opposite, with their formulations. There are certain issues about which certainly more parties than one can agree. Therefore, probably a time has come for the formulation of a national agenda. In my very very humble way, limited sphere of influence and reach, I have been trying to say that the time has come for the formulation of some sort of a national agenda for our country.

Today, we are talking about what is happening in Bihar. What is happening in Bihar is a matter for national shame. What is happening even in the Bihar Assembly? What has happened there? ...*(Interruptions)* I am not mentioning the names. But it has appeared in an important journal, apparently a responsible journal. It says that when the matter was being discussed in the Bihar Assembly, some Members tried to pull off the Speaker's *dhoti and kurta*. I am not mentioning the name of the party. But you can look into this journal "*India Today*" of 28th July, 1997—page 44. It has been further stated that some other Member responded by biting their hands! Whoever it may be, are you not ashamed of it? The Speaker's *dhoti and kurta* being taken away! I thought the event, incident of Gujarat was the last incident. But such propensity is there—taking off the *dhoti and kurta* of leaders! I am not mentioning the name of the party ...*(Interruptions)*

SHRI RAM NAIK (MUMBAI NORTH): All your sermon is of no use.

SHRI SOMNATH CHATTERJEE: When my humble submission has become abuse to the BJP, then I will be under a shadow!

Therefore, these incidents should be avoided. Now we have been trying to understand it and the hon. Prime Minister made it very clear yesterday as to what is to be done. I am also asking myself: What is the solution? So far as the Central Government is concerned, apart from giving friendly pieces of advice, good pieces of advice and suggestions, the Governor may have certain powers. There is also controversy over it because a situation like this has not arisen before. When I interjected yesterday, Shri Vajpayee might have been annoyed with me. I said: "You are talking of imposition of Article 356 so far as State Governments are concerned. But what would happen if it had been in the Centre? What would you have done?" At one time, we found in this country that almost half of them had to resign in the Centre because of charges of corruption against them. There were severest types of accusations, allegations or charge-sheets against a former Prime Minister. What would you do then? I am one of those who have never believed that the Central Ministers *per se* are more intelligent and more patriotic or the Central Government *per se* can be more patriotic and more well-meaning and, therefore, the Centre can never do wrong. I never expect that anybody can be infallible in this world, neither the judiciary nor the legislature nor the executive. Therefore,

what would happen if the Centre goes wrong? Is there a solution? Who can take over the jurisdiction of the Central Government? We are reminded that the judiciary is intervening because we are not performing our role. Can the judiciary take over the Central administration? They are nibbling at it, they are taking many of it. I have my own reservations except what the law permits. But who will take over the Central Government's administration? We even shudder to mention other forces that are there. That is what is happening in the rest of the sub-continent, in other countries, even in Asia or in Africa. Would you like that type of take over here? Therefore, this is a matter where imposition of Article 356 is not a solution, assumption of authority is not a solution. The solution lies in striking at the root of it, to create some conventions. Conventions add lustre to bare rules and regulations. The convention is, whenever there are charges or allegations against anybody in position of power, he should step down, invite proper investigation, invite proper inquiry. Let him establish his innocence in a way that is permitted by law. That is why, I join the issue even now with the type of Motion, namely, "passive attitude of the Central Government over recent developments in Bihar." Therefore, if I am echoing the hon. Prime Minister's query, what sort of activity was expected here? It was either imposition of Article 356 or persuading the Governor to dismiss the Chief Minister or the moral pressure being put. The Prime Minister has said that he has no reason to disbelieve him. Everybody knows in this country that my party in the UF has taken a very firm attitude, stringent attitude in a sense that we are opposing even the continuance of those who are supporting or those who have broken away from the Janata Dal because they are supporting their leader, the Chief Minister of Bihar against whom such serious charges are there. We have taken that firm position. People are talking as if we are trying to break the United Front. That is not our objective. We are one of the parties which have very strenuously fought for the formation of the United Front. We have been a party to the CMP so that in this country which cannot afford not to have a secular administration, there will be a secular Government and an honest administration. There can be no compromise on secularism, there can be no compromise on corruption. Therefore, these are the basic issues and to that extent, we have taken such a firm attitude.

But the imposition of Article 356 cannot be the solution. Therefore, even now, the time has come for this nation, for the political leaders and every section of the people to try to find out the solution. I have not got a ready-made solution for this. I have not got that much of capacity to give advice to others but this is a matter which requires that all heads should be put together to find out the solution and commitment.

Some suggestions are being made as to how to control the black money in this country. Everybody says that instead of the black money being controlled, it is proliferating. The other day, I heard the Finance Minister on Television. He

was mentioning that 'it is very difficult to mention the exact figure but it is much more, many times more than what it is mentioned in the report of 1980.' Therefore, this has been the result. What is the solution to this? Unless all parties sit together and every right thinking citizen of this country try to find out the way out and decide, there cannot be any solution to this problem.

12.46 hrs.

(SHRI BASU DEB ACHARIA *in the Chair*)

The other agony that I am having is that the principles of separation of powers are losing their importance. The distinguishing lines are losing their identity and today we are inviting other agencies, other organs to enter areas what they should fear to tread. Even the last Chief Justice of India, Justice Ahmedi said: "Temporarily, we have taken up an aggressive role". Shri Chandra Shekhar Ji, that is the language used by him—'aggressive role by the judiciary'. He then said, "I hope it is temporary". Why have you taken that role? It is because of the total non-functioning of the legislatures, the Members of Parliament. Therefore, there is all pervading corruption. We have to get at it. I have always said that it was a very unfortunate day when the Congress Party decided to bail out one judge of the Supreme Court who should have been rightly treated. That was a very sad day for our country; that has given many ideas to many in many place and today that has been treated as an act of approval of the corruption.

Shri Tariq Anwar Ji, it is no good saying that 'I am an angel'. It has to be perceived that you are an angel by people generally. Therefore, we can do it only by our act and conduct, by our commitments to certain principles.

Therefore, Sir, it is not a day too soon that this discussion has come up before this House. I do not wish to inflict a longer speech but I hope that the effect of this debate on the floor of this House will percolate to all the areas.

So far on this matter, I cannot find any fault with the Central Government because one Minister who was in the Central Government was asked to resign and he has resigned. The Prime Minister has said that he has recommended or requested the Chief Minister of the different States to form special courts and he has advised the present Chief Minister also. I do not know whether the Chief Minister is still there. I still hope that he will resign, if he has not. There will be no dearth of Chief Ministers, I am sure, even from this Party...*(Interruptions)*

[Translation]

SHRI RAJEHH RANJAN ALIAS PAPPU YADAV (PURNIA): Today also he has spoken that he will not resign.

[English]

SHRI SOMNATH CHATTERJEE: Therefore, what I feel is that there is time for introspection and that should be done. We must look into this matter.

I do not want to create an atmosphere of despair. That is not my intention. I do not say that there is no future. This country has a great future. It has a future. I am not saying that we cannot reverse the position. That is not my intention. The time has come when we must carefully and seriously look into it. I say, we are happy that there are many leaders in this country who can give a lead in this matter. It is time that that lead is given, that leadership is provided. I do not want to create an atmosphere of despair that everyone is a crook in this country. Everyone is not a crook in this country. But, unfortunately, a few people are misusing the system to the extent that constitutional propriety is denied, disputed or not being followed.

I found that yesterday's speech of Shri Vajpayee has become No. 3 story, after the decision of the Patna High Court, which is the lead story in every newspaper. I was trying to find out whether it was the Prime Minister's speech or Shri Vajpayee's speech, which had got the greater publicity today. An important item in every newspaper is the decision of the Patna High Court. This also has to be changed. It is not that everything is corrupt but corruption is there. It is a matter which cannot be any longer ignored. Therefore, let us not, in this situation, witness, as I said, one organ of the State encroaching on another organ's area. That will create an imbalance. That is not good for the country, in my humble opinion.

We have many things to do in our own spheres. Parliament cannot discuss some issues because of many reasons. In administration, there are allegations about at least the time element and lack of discipline. Time has lost all value to many in this country. The people of this country have waited long. Even today, our President has said that we have to look after the people and serve them for their economic upliftment. The youth of this country will not wait indefinitely.

The judiciary has a very important role to play. With all respect to the judiciary, I submit this. When there is a remissness, judicial interference is required according to law. But, at the same time, let an impression not be created that anybody and everybody who is accused of anything must necessarily be guilty. This is a very dangerous proposition. It should not be done.

Again, I request the Chief Minister of Bihar, Shri Laloo Prasad Yadav to resign and to take part in the proceedings that have been initiated against him. Let normalcy return. Let that message go. That message has to be asserted. We cannot compromise on that. It is time for him that he should resign. I do not want the Central Government to impose Article 356. In the combined wisdom of the Lok Sabha and of the Parliament of India the message goes that, "Please do not bring discredit to that office, whether you are guilty or not; you please resign so that the tension is less. Let the affairs of the country and the affairs of the State take their normal course."

This is very important. There can be no compromise. The Constitution must prevail; constitutional morality must

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prevail. Therefore, I again request Shri Laloo Prasad Yadav to step down, as we have said...*(Interruptions)* I have been trying to avoid contentious issues. It is different if you force me. It is for you to decide whether to provoke me or not. It is the misfortune of this country that on certain issues we are trying to score debating points than trying to adjust to the real core of the issue. This is the point.

Let us today go from the House with the resolve that we shall never compromise. Nobody will compromise with the charges of corruption. But at the same time we shall not allow our constitution to be vitiated by any and every *ad hoc* measures.

SHRI P. UPENDRA (VIJAYAWADA): Sir, I am on a point of order. Yesterday the House had decided to convert the Adjournment Motion moved by the Leader of the Opposition into a Motion under Rule 184.

MR. CHAIRMAN: It has been converted.

(Interruptions)

SHRI P. UPENDRA: Sir, the language of the Motion was appropriate for an Adjournment Motion because the point to be decided was the adjournment of the House which was indirectly a censure of the Government. Rule 191 says,

"The Speaker shall, at the appointed hour on the allotted day or the last of the allotted days, as the case may be, forthwith put every question necessary to determine the decision of the House on the original question".

(Interruptions)

MR. CHAIRMAN: Yesterday, you were not present in the House.

(Interruptions)

SHRI P. UPENDRA: I want to know on what the House is expected to give its decision because the language says, "serious situation has arisen in Bihar". What are we going to decide? What are we going to vote for? ...*(Interruptions)*

MR. CHAIRMAN: Yesterday, the House had decided to convert it into a Motion under Rule 184.

(Interruptions)

SHRI P. UPENDRA: I agree. But the language should have been changed to suit the Motion under Rule 184. ...*(Interruptions)* On what issue the House will give its decision? On what issue are we going to vote? Are we going to talk it out or are we going to decide upon it? ...*(Interruptions)*

MR. CHAIRMAN: It has been already decided.

(Interruptions)

SHRI P. UPENDRA: Sir, You read the Motion. ...*(Interruptions)*

[Translation]

SHRI NITISH KUMAR (BARH): That means the House can not discuss. It is a sort of conspiracy and we have wasted one-a-half hour yesterday and we are wasting time today also. By doing so we are cutting into debating time.

(English)

MR. CHAIRMAN: Shri Upendra, this has already been decided.

(Interruptions)

MR. CHAIRMAN: It has already been decided. Please allow others to participate. It has been decided with the consent of the House to convert it into a Motion under Rule 184.

(Interruptions)

MR. CHAIRMAN: There is no point of order now. Shri Upendra, please take your seat.

(Interruptions)

MR. CHAIRMAN: Shri Upendra, you were not present in the House.

(Interruptions)

MR. CHAIRMAN: It has been already decided. With the consent of the House, yesterday it was decided to convert the Adjournment Motion into a Motion under Rule 184.

(Interruptions)

SHRI P. UPENDRA: What is the point on which we are going to vote? ...*(Interruptions)*

SHRI NITISH KUMAR: It will be decided at the time of voting. Why are you wasting the time of the debate? You are trying to scuttle the debate ...*(Interruptions)*

MR. CHAIRMAN: Shri Upendra, please take your seat.

We will continue the debate. There would be no lunch hour today because we will have to conclude it by 3.30 pm as we will have to take up Private Members' Business.

13.00 hrs.

[Translation]

PROF. AJIT KUMAR MEHTA (SAMASTIPUR): Mr. Chairman, Sir, I agree with my esteemed colleague Shri Somnath Chatterjee to a great extent that this discussion should not be initiated here in this manner and I had also objected at that time in this regard saying that the subject of discussion is not clear. The discussion is different from the subject. If discussion was to be held on corruption, discussion should have been on the invocation of article 356 in Bihar which had the approval of the leader of the opposition. A motion for that purpose should have been moved clearly. It is their intention, you are opening up

pandora's box by bringing forward the discussion in this way. All States would be covered in that and in this way there will be talk of holding the discussion in regard to all States. This convention would not be good for future. There are constitutionally elected Governments in all the States. There are statutory bodies, Legislative Assemblies there. It would be against the provisions of the constitution to discuss here what happened in legislative Assemblies and Legislative Councils. It would be going against the constitutional provisions and spirit. If we go against the constitution in this house, it would set forth a wrong example before the country.

Mr. Chairman, Sir, other cases of corruption are also raised. It is true that CBI has levelled the charges of corruption against the Chief Minister of Bihar but the charges of corruption have been levelled at many place through various means when have been discussed by other leaders. In it there is Rajasthan, West Bengal, Assam and many other States. Would discussions be held here regarding all those cases.

All that we are giving here by way of examples would be enough to implicate all of them. Therefore, I did not favour that the discussion to take such a shape. Discussion should have been held in some other form. So far as the question of the failure of the Government is concerned, as raised by the hon'ble Leader of Opposition in my view our Prime Minister has replied befittingly to that. It would be to repeat those things if we held more discussion on that. I want to say some more things.

Today through newspapers, Print media, electronic media and by some people, an atmosphere is being created against a Chief Minister. An atmosphere is being created against Laloo Yadav ji this matter is shortly to come up before the court. These media held trial for one and a half year now and declared a man quiety whose case has not yet been taken up by the Court so far. Hon'ble Leader of the Opposition discussed about shape up in our Party. I have high regards for Atal ji. He has been our hon'ble Leader also when I was in the Janata Party. Today also, outside the house we show respect towards him, but was it necessary to raise this matter here.

He cannot keep his own house in order, we have seen it in Gujarat. In spite of his efforts he could not check the convulsions in his own party there. Then he does not have any right to discuss the matters relating to our Party in this House. I think, by his speech he has lowered the esteem, which we have in our hearts for him. I beg his pardon for saying bitter things before him. But I am helpless because he has raised the discussion.

Yesterday, hon'ble Leader of the Opposition held discussions joined together both the public opinion and public decorum. Whether the opinion of some people would be called the public opinion? Whether the opinion of public representatives, the elected M.L.As has no significance? Whether the 10, 15 or 20 persons only who represent the public opinion? *...(Interruptions)*. We also represent the full Public opinion and we don't claim that we represent the

whole of India. But they are making those claim, I am surprised at that they have different norms for themselves and us *...(Interruptions)* Just 15-20 persons including you consider themselves the representative of the whole State and you think that the MLA's don't represent other people. I am surprised at it *...(Interruptions)*

All that I have to say in the last is whether you would find some way to ignore the statutory bodies. The CBI has levelled charge, it is all right that CBI is an investigating agency. CBI is like Police. But do you consider the charge levelled by the Police as correct. Whether it is not a fact that it is decided in court and if this charge is considered as true or if the charged levelled by others is considered as true then make out the person against whom there is no charge. There are few Members of Parliament against whom no charge has been levelled either through one agency or other. Only yesterday, an unbecoming incident occurred in this House and I am sorry for that unrestrained things were published in a newspaper against an hon'ble Member. Will we consider that charge as true. Many people level charge in this way. They talk about the CBI, which CBI they are talking about, the one which levelled charges against many of our past and present hon'ble Leaders?

SHRI RAJENDRA AGNIHOTRI (JHANSI): The CBI which is under your Prime Minister is investigating it.

PROF. AJIT KUMAR MEHTA: These allegations were not considered proper by the court, and were turned down. Yesterday also, some decisions have been made. At last, the court has also some responsibilities and functions. You yourself want to perform the functions of court, you encourage the media to do this work. As such no good tradition is being set up. Mr. Chairman, Sir, I am surprised to see that our hon'ble colleague Shri Som Nath Chatterjee has mentioned the role of judiciary by considering these allegations.

According to him, the Chief Justice has said that judiciary has adopted aggressive role. I am of the view that it sometimes crosses its jurisdiction or limit also. It is necessary that the monitoring court also pass orders? I am not saying it for the purpose of criticising someone but are you agree with this that the Institution levelling allegations should also give decisions. If it is so then what is the necessity of court *...(Interruptions)* The things which cannot be said within 5-10 minutes that cannot be said in the entire life. I don't leave today's work for tomorrow.

In the end, I want to say that if the aspirations of people, their views are turned down by some institutions in such a way then the democracy cannot function in the country. I am saying it here because recently 4-5 days ago the Chief Minister of Bihar has proved majority in the legislative assembly. Here Some people can say that he has ousted his oponents, for a moment I accept it but how many votes he got in the Legislative Assembly, you count them. If all the members of opposition were present there at that time they could not have prevented him from getting vote of confidence. You count all the members of opposition parties including Samata Party, Bhartiya Janata Party and Con-

[Prof. Ajit Kumar Mehta]

gress what was their total strength. You can imagine from this that the person who has public support, majority is in his favour, I consider the institution levelling charges against him that these are some people of vested interest who have contacts with outsiders and they are working with their connivance. The Director of CBI is a person who used to work under the influence of former Prime Minister, there is one additional Director, who is looking after this investigation who have worked under a Chief Minister of West Bengal in such a situation shall I reach to this conclusion ...*(Interruptions)* When I am speaking, you please sit down.

MR. CHAIRMAN: Mehtaji, you were concluding. Now please conclude.....

(Interruptions)

PROF. AJIT KUMAR MEHTA: I am of the view that connivance between them cannot take place. If due to this the functioning of constitutionally elected government become impossible, if any such institution started making allegations against it then, whether it stops functioning? ...*(Interruptions)* Whether you want to let me speak or not? Let me conclude ...*(Interruptions)*

MR. CHAIRMAN: Please conclude now.

PROF. AJIT KUMAR MEHTA: I want to say that if such tradition continues in this country then democracy will come to an end. If some bureaucratic institution or Government agency levels such serious charges on some constitutionally elected person or institutions, till that has not been substantiated by the court, the functioning of the constitutional institution or person cannot be questioned, it should be stopped.

With these words, Mr. Chairman, Sir, while thanking you I conclude.

SHRI ANANT GANGARAM GEETE (RATNAGIRI): Mr. Chairman, Sir, I rise to support the motion moved by the leader of opposition Hon'ble Shri Atal Bihari Vajpayee. The CBI has chargesheeted the Chief Minister of Bihar, Shri Laloo Prasad Yadav in Fodder scam. The Governor of Bihar has also given his consent to initiate legal action against him. Then this matter went to court. When this matter went to court, then the Chief Minister of Bihar went to court for anticipatory bail, the Patna High Court has also refused to give anticipatory bail. When such a situation has risen and the Chief of the Bihar state administration, who has the reins of entire state in the hands if allegations are levelled against him and Governor permits to file case against him and High court refuse to grant bail and when at this juncture the problem arises that if the discussion on this matter cannot take place in this House then where will it be held?

Mr. Chairman, Sir, all the speakers who have spoken prior to me on this issue have said that Laloo Prasadji must quit his post, no one has supported him and when Shri Mehta was speaking here, then I surprised to know that he has levelled charges on CBI itself. He levelled charges against the Director of CBI and he is the Member of

Treasury benches then how could they level such a charge. Yesterday when Prime Minister was speaking he himself made it clear that the Prime Minister in the administrative head of the CBI which has levelled charges on Shri Laloo Prasad Yadav and today when Mr. Mehta is levelling charges on CBI as such he is making allegations on Prime Minister because the CBI is under him. Its Head is Prime Minister. As such Mehtaji you are putting allegations on your Prime Minister.

Mr. Chairman, Sir, yesterday when the leader of opposition, Shri Atal Bihari Vajpayee was speaking on adjournment Motion, then it surprised me that during his speech hon'ble Members of treasury benches continued to interrupt him. Efforts were made to prevent him from speaking and he was not being allowed to speak. Whenever the leader of opposition is not allowed to speak in the House, you can yourself imagine what could have been happened in Bihar ...*(Interruptions)*

SHRI RAM KRIPAL YADAV (PATNA): What happens in Maharashtra ...*(Interruptions)*

SHRI ANANT GANGA RAM GEETE: I would like to tell you as to what happens in Maharashtra. Maharashtra is an ideal for the country. We would tell you as to what happens in Maharashtra. ...*(Interruptions)*

MR. CHAIRMAN: Geeteji, please deliver your remaining speech on Monday. Now please take your seat.

[English]

As this debate would continue on Monday as well, if the House agrees, could we now break for lunch?

SEVERAL HON. MEMBERS: Yes, Sir.

MR. CHAIRMAN: The House stands adjourned to meet again at 2.20 PM.

13.19 hrs.

The Lok Sabha then adjourned for Lunch till Twenty Minutes past Fourteen of the Clock.

14.24 hrs.

The Lok Sabha re-assembled after Lunch at Twenty-Four Minutes past Fourteen of the Clock.

(MR. DEPUTY-SPEAKER *In the Chair*)

[English]

PAPERS LAID ON THE TABLE

Notification under Sub Section (2) of section 38 of the Central Excise Act, 1944 etc.

THE MINISTER OF FINANCE (SHRI P. CHIDAMBARAM): I beg to lay on the Table a copy* each of the following notification (Hindi and English versions)

* With an explanatory memorandum.