

SHRIMATI SUSHMA SWARAJ : It is not an issue of discussion. Prompt action should be taken on the issue raised by Shri Chandrashekhar ji...*(Interruptions)*

MR. DEPUTY SPEAKER : I feel that all the Members agree on it. I, therefore, call the Leader of the House.

(Interruptions)

THE MINISTER OF RAILWAYS (SHRI RAM VILAS PASWAN) : Mahatma Gandhi is the tallest leader of our freedom struggle. The Members have quite aptly said that this cannot be the issue of discussion. I on the behalf of the Government assure you all that I would request the Prime Minister and would also apprise him of the sentiments expressed here in this House and the Government would take action on it soon ...*(Interruptions)*

12.14 hrs.

RE: ARREST OF FORMER CHIEF
MINISTER OF BIHAR

MR. DEPUTY SPEAKER : Shri Rajesh Ranjan alias Pappu Yadav.

(Interruptions)

[English]

MR. DEPUTY SPEAKER : We have gone to the next item.

[Translation]

SHRI RAJESH RANJAN alias PAPPU YADAV (Purnea) : Mr. Deputy Speaker, Sir, I have risen to raise a very sensitive and important issue in the House. Some days back, a writ was filed in the Patna High Court by the Collector and S.S.P. of Patna to provide full cooperation to the CBI into investigation of the Fodder Scam, but when the Supreme Court issued the warrant and the director...*(Interruptions)*

MR. DEPUTY SPEAKER : The Supreme Court had rejected the bail application but had not issued the warrant. You please do not...*(Interruptions)*

(Interruptions)

SHRI RAJESH RANJAN alias PAPPU YADAV : When the CBI director Shri Sharma had issued arrest orders, the CBI, DIG Shri Kaul had initiated the process for his arrest at Patna. The arrest procedure was set on and he asked the DGP to cooperate in the arrest process, and when he asked the Chief Secretary, Collector and SSP to cooperate in the arrest process, they not only refused but the collector and the SSP threatened the CBI officer to keep mum or face the consequences. Thereafter when

the CBI, DIG of Patna contacted the concerned officer of the North-East Shri U.N. Biswas, he directed him to approach the monitoring court. When the CBI advocate went to the monitoring court and briefed the entire happenings, the Court asked to file an application. The application was filed and the monitoring court of the High Court issued the orders to the military.

Mr. Deputy Speaker, Sir, when the orders were issued to the military, Shri Upendra Biswas received a letter from the Centre by Shri Sharma asking him to clarify as to for what reasons he asked the military to interfere and the letter of Shri Biswas published in the newspapers amply makes it clear that he was threatened to be suspended. Therefore, the matter which was going on for about one year got influenced by it...*(Interruptions)*

Mr. Deputy Speaker, the Minister of State for Coal says that they do not believe in witch hunting and also do not encourage corruption but two High Courts advocates of Shri Laloo Prasad Yadav were despatched to Patna by a plane of Coal India and top of all, one judge sought police protection saying his life was in danger. This has been stated by a Patna Judge. 200 goons were positioned from Court premises to where Shri Laloo Prasad Yadav was kept. Even when the former Union Minister Shri Kalpnath Rai was jailed, he was put behind the bars in Tihar jail. Even Shri Narasimha Rao's hearing was held in the special court but when Shri Laloo Prasad Yadav was sent to jail, then special arrangements were made and ACs were installed in the jail. I would like to ask as to whether there are two laws for two different persons.

Mr. Deputy Speaker, Sir, the manner in which the obstackles are being created in the finding of the monitoring court, this matter goes beyond the simple matter of investigation to that of larger public interest. I earnestly request you to interfere in this matter and the law should be same for all. No special treatment should be meted out to anyone and the law of the land should be applied uniformly to all...*(Interruptions)*

[English]

MR. DEPUTY-SPEAKER : Please take your seat now. Please sit down.

(Interruptions)

MR. DEPUTY-SPEAKER : Do not spoil your case. Please sit down. There should be some limit.

(Interruptions)

MR. DEPUTY SPEAKER : Mr. Nitish Kumar.

I have called Mr. Nitish Kumar. I have allowed him to speak. Please take your seat.

[Translation]

SHRI RAJESH RANJAN alias PAPPU YADAV : Mr. Deputy Speaker, Sir, Laloo Yadav has been released on the pretext that he will surrender tomorrow...*(Interruptions)* and the Prime Minister gives a statement here that we will not compromise with corruption...*(Interruptions)* but I feel corruption is being given a push in this manner and the Government want to keep Bihar in a state of confusion...*(Interruptions)*

SHRI NITISH KUMAR (Barh) : Mr. Deputy Speaker, Sir, the issue that has been raised just now by Shri Rajesh Ranjan, has appeared in the newspapers today and everybody has gone through it. According to the information received later...*(Interruptions)*

SHRI BRAHMANAND MANDAL (Monghyr) : This is not an issue only related to Bihar, the Union Government, the CBI and the Prime Minister all are concerned with it...*(Interruptions)*

MR. DEPUTY SPEAKER : Except for the submissions made by Nitish ji, nothing else will go on record.

(Interruptions)

MR. DEPUTY SPEAKER : Not many Members should speak at the same time.

(Interruptions)

[English]

MR. DEPUTY SPEAKER : I have allowed him to speak.

(Interruptions)

[Translation]

SHRI NITISH KUMAR : Mr. Deputy Speaker, Sir, they have already said whatever they were to say. Kindly listen to me. The matter which I am raising does not relate only to Bihar...*(Interruptions)*

[English]

MR. DEPUTY SPEAKER : Please take your seat, I will allow everybody.

(Interruptions)

MR. DEPUTY SPEAKER : Please take your seats.

(Interruptions)

MR. DEPUTY SPEAKER : I will allow everybody.

(Interruptions)

[Translation]

SHRI NITISH KUMAR : I am raising a constitutional matter. Our fellow members should understand that I

* Not Recorded.

am not raising any issue relating to Bihar. It is evident from his submissions that there is complete breakdown of state machinery in Bihar. When his interim bail application was rejected by the Supreme Court and when Director, CBI gave direction to the CBI officials in the state to get the non-bailable arrest warrant executed, they approached the state authorities including Chief Secretary, DGP, the district administration, but to no avail as they got no cooperation from these officers. May I know from the Union Government whether there can be any other example of breakdown of state machinery as in Bihar where CBI personnel did not get any support from the state Government in getting the Court's order executed? Can there be any other example of breakdown of State machinery? And if it is an example of breakdown of state machinery, then what was the Union Government doing?

Another question is being raised about the army help which is said to have been sought by the CBI on the instruction of monitoring Court-as has appeared in newspapers - after the state machinery defied the Court order. We want to know from the Government whether the army help was sought? I do not know whether seeking the army help was proper or not. But the question is that what were the circumstances which led the CBI to seek army help?

Show-cause notice is being served on the investigating officers and it is said that action to suspend them is likely to be taken. I would like to know from the Government as to what is the truth in this regard? A conspiracy is being hatched to wipe out the investigating officers from the whole scene. They were looking into the matter under monitoring of the Court but now they are on the verge of their suspension. Whether the country is likely to tolerate such an action? I want some clarification from the Government in this regard.

The third clarification which we want from the Government is that under which rule non-Government persons, who have nothing to do with Coal India or the Government were brought from Patna in the plane of Coal India. Whether Coal India plane is meant for ferrying an advocate just because he happens to be the defence lawyer of the accused? All these news have appeared in newspapers. People are very much anxious to know about this. I, through you, want the Government to clarify their position in this respect.

One thing, I would like to say as warning to the Government that the Prime Minister had repeatedly given assurance that the Government would not interfere in the CBI's functioning. But inspite of that if such things are happening to punish the honest investigating officers by interfering in CBI's functioning then the country is not going to tolerate that? We would like to know from the Central Government that since there is

complete breakdown of state machinery in Bihar, what action they propose to take in the matter as there can be not any other better situation than this for invoking Article 356. We urge the Government to invoke the Article 356 and dismiss the State Government there.

[English]

SHRI JASWANT SINGH (Chittorgarh) : Mr. Deputy-Speaker, Sir, I entirely share the agitation of the hon. Members of this House. We have heard a surfeit of Bihar. For the last three or four days, since the opening of this Parliament Session, the questions that have been raised are really centered around Bihar. I am not on that subject.

I am on a subject which, unfortunately, rises from what Shri Nitish Kumar and Shri Rajesh Ranjan have just now mentioned in this House. I entirely share the agony expressed by the hon. the Home Minister that on this occasion of the Fiftieth Anniversary of our Independence, if and most unfortunately the high office of the Chief Minister of any State, somebody holding that high office, should be courted by authorities of the State, it is not an ordinary event. It is an event that really ought to make us reflect. That is my one point but that has already been said.

Wat has been said about the request for the employment of the Army is the most alarming statement made. I do not know if this is correct. I do not know on what basis this has been made. Shri Nitish Kumar is one of the seniormost Members and a very responsible Member of this House. He has said that a request was made...*(Interruptions)*

SHRI SOMNATH CHATTERJEE (Bolpur) : By whom?...*(Interruptions)*

SHRI JASWANT SINGH : I want to know the details. I do not know who made the request. I do not know how we are to countenance one wrong after another, one enormity after another. We are now calling the Armed Forces to play a role for which they are not at all suited or equipped or trained or meant. Does the Union Government know anything about this? Is it not mandatory on the Union Government? Shri Nitish Kumar has said something. Surely it has appeared in the newspapers. He informed me that it has appeared in some newspapers. If this has happened, this is extremely alarming. We want to know not simply what has happened...*(Interruptions)*

[Translation]

SHRI GIRDHARI YADAV (Banka) : Will the House function on the basis of newspaper reports?

SHRI JASWANT SINGH : Sir, I did not hear.

SHRI GIRDHARI YADAV : Will you come to know about a thing only after going through the newspaper?

SHRI JASWANT SINGH : No, I am expressing my concern.

SHRI GIRDHARI YADAV : How many persons are there in this country against whom warrant has been issued for two hours only? He has filed an appeal in the supreme Court and has surrendered also. Now what is the need to raise this matter. The senior persons like hon. Jaswant Singh ji are talking about it, who are fully conversant with law.

MR. DEPUTY-SPEAKER : Let him speak.

(Interruptions)

MR. DEPUTY SPEAKER : Do not confuse him. Let him speak.

[English]

Why are you interrupting your own Member?

[Translation]

SHRI JASWANT SINGH : Hon'ble Member has not fully understood what I am saying. I am not talking about the hon. Supreme Court or any case thereof...*(Interruptions)*. No, I have not mentioned Supreme Court or any other institution. You are aware that it is in itself a serious matter that Army should be called in and...*(Interruptions)*. No, Nitish ji is saying so then you may clarify it. The Central Government may clarify it because in my opinion it is a serious matter in itself...*(Interruptions)*

SHRI NITISH KUMAR : The state machinery has refused to cooperate.

[English]

SHRI SOMNATH CHATTERJEE : I do not know who can call the Army. I would like to know...*(Interruptions)*

SHRI JASWANT SINGH : The Government should deny this. This is an extremely disturbing news. The Government should stand up and clearly say, 'no such event took place'.

[Translation]

The matter will be over. The Government should say that no such thing has happened and Army was not called. If it was called then I feel that it is a bad thing and the Government should give its explanation...*(Interruptions)*

[English]

MR. DEPUTY SPEAKER : On this very issue Shri Chandra Shekhar wants to speak.

(Interruptions)

[Translation]

SHRI CHANDRA SHEKHAR : Mr. Deputy Speaker, whatever has been said by Shri Jaswant Singh ji, a part of it...*(Interruptions)*

SHRI RAMASHRAYA PRASAD SINGH (Jahanabad): Mr. Deputy Speaker, Sir, it is a question of dismantling of structure...*(Interruptions)*

MR. DEPUTY SPEAKER : You please sit down. I have not yet called you.

(Interruptions)

[English]

MR. DEPUTY SPEAKER : Please sit down. I have allowed him.

[Translation]

SHRI CHANDRA SHEKHAR : I agree with his point that if the Army has been called in, then there could be nothing serious than this. The power of calling the army rests either with the State Government or the Governor. If the judges and that too of a trial court decided to call the Army and advised CBI to this effect, then I will say to Nitish ji that we will have to consider the serious consequences of such an act. Saying that the State Government was not cooperating also does not appear to be correct. If the State Government would not have cooperated then Loaloo Prasad Yadav would not have been behind the bars today...*(Interruptions)*

[English]

MR. DEPUTY SPEAKER : Please allow the senior most Member to speak.

[Translation]

SHRI CHANDRA SHEKHAR : I am not going to sit because of your loud noises. Mr. Deputy Speaker, please tell the Members that I have faced many a such uproaring scenes and I am not going to be cowed down by this. I am talking about yesterday. I am talking about full cooperation. When the day before yesterday, Laloo Prasad Yadav had said that he was surrendering, then it was clear that he was about to go to jail or court. At that time some extra enthusiastic persons wanted to arrest him earlier. Such persons are neither worried about Bihar nor about the country. If Laloo Yadav would have gone to jail a little later, then it would have hardly made any difference. I am aware that some persons have personal prejudice. They see no other danger. Let me come to the real point that which magistrate advised the CBI to call the Army? If it was advised to CBI then who was that officer of CBI who called army? An inquiry may be conducted against him. Inquiry may also be conducted about the conduct of the magistrate who advised the help of the Army.

[English]

SHRI SOMNATH CHATTERJEE : Sir, we have been saying openly and I believe the entire House has said that all cases of corruption or even crimes should be fully investigated. No one is above the law; or should be above the law whether he is occupying a very high position in our national life or constitutional position. We have been saying that. In the last debate, we have said that. Nobody, I believe, has said, 'you exonerate such persons'. But for an issue, a criminal investigation has become unfortunately politicised to the extent that today we are even extolling for calling of the Army.

SHRI JASWANT SINGH : Who is that person?

SHRI SOMNATH CHATTERJEE : I have not mentioned your name. Some are doing it. Therefore, let us not obliterate all the *Lakshman Rekhas*. The areas of Executive, Judiciary and Legislature are all being obliterated today.

[Translation]

SHRI NITISH KUMAR : The State machinery did not cooperate. Please say something about that also. Such situation arose that this question is being raised.

MR. DEPUTY SPEAKER : Nitish ji, I have allowed him.

[English]

SHRI SOMNATH CHATTERJEE : Let this Bihar issue which we have been condemning, be not utilised for the purpose of disturbing the constitutional equilibrium in this country. Now on every issue, imposition of Article 356 is being demanded on the floor of the House as if it is a matter which is to be decided here. On every issue, on every day, we find even a responsible Member who was a Minister, demanding imposition of Article 356. Just because something has happened, if a Member would demand imposition of President's Rule, what is going to happen in this country?

Sir, we are proud of our Army. As a citizen of India, I am proud of our Army. They have played a wonderful role. They are protecting us. They should not be involved in any or every matter of politics. The Army, apart from protecting us during natural calamities, has served wonderfully well. I am appealing to you that let us not minimise the seriousness of what is happening in Bihar. But let this House not become a second Bihar Assembly every day. That is my request...*(Interruptions)*. But we have many important functions to discharge ...*(Interruptions)*

[Translation]

SHRI NITISH KUMAR : Confusion is being created. He is deviating from the issue. We respect senior leaders...*(Interruptions)*

[English]

MR. DEPUTY SPEAKER : Please let me speak first.
Please sit down.

(Interruptions)

MR. DEPUTY SPEAKER : Let me have my say.
Please sit down.

(Interruptions)

[Translation]

MR. DEPUTY SPEAKER : Please listen to me one
minute.

(Interruptions)

MR. DEPUTY SPEAKER : For God sake, please
keep silence.

(Interruptions)

MR. DEPUTY SPEAKER : Before taking up next
item, I would like to say two things. The first thing is
whether the report to call the Army in Bihar is correct
or not and if so, at who's instructions? The second point
is whether or not anybody has gone on the plane of
Coal India. I would like that the Government should
make a statement today or tomorrow in this regard.

(Interruptions)

SHRI NITISH KUMAR : See, he is deviating from
the issue...(Interruptions) It is injustice...(Interruptions)
We respect senior leaders but Shri Somnath ji has
totally deviated this issue. I would like to say this
thing...(Interruptions) I would like to say that deviation
has been done...(Interruptions) but the State Government
machinery did not cooperate...(Interruptions)

[English]

MR. DEPUTY-SPEAKER : This matter is closed now.
I have already given a direction to the Government.
Please take your seat.

(Interruptions)

MR. DEPUTY-SPEAKER : Shri Yadav, you had your
say. Please take your seat.

(Interruptions)

SHRI SOMNATH CHATTERJEE : The Chair rightly
expresses its mind and desire on many occasions, but
I do not think the direction is given ordinarily
...(Interruptions)

MR. DEPUTY-SPEAKER : Please take your seat.
Let me hear something.

(Interruptions)

SHRI SOMNATH CHATTERJEE : You expressed
your desire that the Government should make a
statement...(Interruptions)

[Translation]

SHRI NITISH KUMAR : I would like to urge upon
you that State machinery did not cooperate the Central
Agency in performing their functions even after the
directions issued by the Court...(Interruptions) They
defied the directions. It is a total non-cooperation of the
State machinery and all this has happened at the
instance of P.M....(Interruptions).

[English]

MR. DEPUTY-SPEAKER : The matter is closed now.
I have called Shri Dasmunsi to speak.

(Interruptions)

SHRI NITISH KUMAR : Sir, please allow me to
speak...

MR. DEPUTY-SPEAKER : Nothing will go on record.

(Interruptions)*

MR. DEPUTY-SPEAKER : Gentlemen, nothing is
going on record.

(Interruptions)*

[Translation]

MR. DEPUTY SPEAKER : There are many other
important issues also apart from Bihar. Please take your
seat.

(Interruptions)*

[English]

MR. DEPUTY SPEAKER : Please take your seats
now.

(Interruptions)*

[Translation]

SHRI CHANDRA SHEKHAR : Mr. Deputy Speaker,
Sir, their demand is justified...(Interruptions). In a way
Shri Nitish Kumar and Shri Lalmuni Chaubey seem to
be correct and justified. When the Government is
explaining other things, it should also be stated whether
the State Government of Bihar have cooperated in this
matter or not? What is the need to make so much hue
and cry?...(Interruptions) I am not aware of the
discussions held with the Prime Minister...(Interruptions)

AN HON'BLE MEMBER : It has been published in
newspapers...(Interruptions)

SHRI CHANDRA SHEKHAR : But this
Government...(Interruptions)

SHRI NITISH KUMAR : He will not talk to you. He
has spare time to talk with the accused
...(Interruptions)

* Not Recorded.

SHRI CHANDRA SHEKHAR : It does not make any difference to me whether the Prime Minister talks to me or not. The people who do not want to talk, are saying...(*Interruptions*). His views seems to be correct. This question is being raised whether the Government of Bihar gave cooperation in this matter or not and the Government should inform about it. What is the need of making hue and cry in this manner ...(*Interruptions*)

MR. DEPUTY SPEAKER : All right.

(*Interruptions*)

SHRI RAJESH RANJAN alias PAPPU YADAV : Laloo ji has announced...(*Interruptions*) Jail Bharo ...(*Interruptions*)

12.43 hrs.

RE: ALLEGED SURVEILLANCE OF MPs

[*English*]

SHRI P.R. DASMUNSI (Howrah) : Sir, I am thankful to your for giving me the time. I am also grateful to Shri Chandra Shekhar for his nice intervention.

I want to draw your attention to a very serious matter. It concerns all the Members of this House. There is a serious report that the Intelligence Bureau people are keeping surveillance on the Members of Parliament inside the Parliament premises. The Prime Minister, all the Ministers and a few important Members of Parliament are entitled to come to the Parliament premises with security and we have no objection to that. But if the IB people are keeping surveillance on the activities of the M.Ps., it concerns the dignity of the House and the privileges of the Members. I would like to tell you - my party's Chief Whip is present here - that seven days before, one of our staff members in the office told me that one IB official was coming inside our party's office and asked me to kindly nab him. The moment I went there, he ran away. I brought it to the notice of our party's Chief Whip...(*Interruptions*) Yes, in our party's office in the Parliament House. I tell you, Sir, that if there is an iota of truth in the report that has appeared today, the Government, in its full responsibility, should come out with a statement, either accepting it or denying it. If they accpet it, they should tell us the reasons for which the IB officials are operating inside the Parliament premises. If they deny it, we do not mind that. But the fact remains that this has created a serious embarrassment for all the parties, irrespective of the party they belong to. We are entitled to meet any M.P. in the Central Hall, we can go to library, and we can go to canteen. We may have different kinds of talks with

people. IB has not right to keep an eye on us within the Parliament premises...(*Interruptions*)

[*Translation*]

SHRI LALMUNI CHAUBEY (Buxar) : Sir, only, MPs are criminals in the country...(*Interruptions*) In view of the Government there are only two types of criminals, nobody else is criminal in the country...(*Interruptions*). It is the duty of the Government...(*Interruptions*)

[*English*]

SHRI JASWANT SINGH (Chittorgarh) : Mr. Deputy-Speaker, Sir, I share Shri Dasmunsi's concern. We have discussed this matter in the Executive of our Parliamentary Party. We too have an Intelligence Bureau surveillance outside our office on a daily basis.

Sir, the rot really set in in 1984, and that rot of 1984 set in when we permitted the dilution of the authority and responsibility of the Chair for the total security within the premises of Parliament. The day we permitted external agencies — I hope Shri Chandra Shekhar will forgive me — the day we permitted the S.P.G. elements to enter the premises of the House, the day we permitted the C.R.P.F. elements to enter the premises of the House, to provide protection to Parliament, which is the responsibility of the Chair, that day the responsibility of the Chair was voluntarily diluted and thereafter the presence of the I.B. and other such agencies has become an inevitability. It has been a presence not since today or yesterday but it has been a presence since 1984. Repeatedly we have brought this to the notice of the hon. Speaker that this is a violation of the authority of this Parliament which theoretically we call sovereign and of which the total responsibility of security rests only with the Chair. We accepted it. All of us accepted it. The day we accepted this dilution of the inviolability of Parliament, the inevitability of Intelligence Bureau was absolutely on the cards. We accept S.P.G. and all kinds of armed people to roam the corridors of Parliament.

I have often pointed out that these people sit with their fingers on the trigger. Nowadays it is monsoon. But in the heat of summer they keep dozing. I have often expressed an apprehension that what if they start fighting with each other? What if suddenly somebody pulls a trigger by accident?

Sir, this is a very serious matter. It is not simply a question of surveillance and supervision over Members of Parliament. By all means you carry out your surveillance on the B.J.P. We are an open book. An I.B. man has been sitting in front of our parliamentary office. What is the point of protesting? To whom do we protest? This Government? This has been an issue which the Chair ought to have taken very seriously because we