

- (b) (i) Review by the Government of the working of the Bharat Earth Movers Limited, Bangalore, for the year 1995-96.
- (ii) Annual Report of the Bharat Earth Movers Limited, Bangalore, for the year 1995-96, alongwith Audited Accounts and Comments of the Comptroller and Auditor General thereon.

[Placed in Library, See No. LT-730/96]

- (c) (i) Review by the Government of the working of the Garden Reach Shipbuilder and Engineers Limited, Calcutta, for the year 1995-96.
- (ii) Annual Report of the Garden Reach Shipbuilders and Engineers Limited, Calcutta, for the year 1995-96, alongwith Audited Accounts and Comments of the Comptroller and Auditor General thereon.

[Placed in Library, See No. LT-731/96]

- (d) (i) Review by the Government of the working of the Goa Shipyard Limited, Goa, for the year 1995-96.
- (ii) Annual report of the Goa shipyard Limited, Goa, for the year 1995-96, alongwith Audited Accounts and Comments of the Comptroller and Auditor General thereon.

[Placed in Library, See No. LT-732/96]

- (2) A copy each of the following papers (Hindi and English versions) :-

- (i) Memorandum of Understanding between the Garden Reach Shipbuilders and Engineers Limited and the Department of Defence Production and Supplies, Ministry of Defence, for the year 1996-97.
- (ii) Memorandum of Understanding between the Bharat Dynamics Limited and the Department of Defence Production and Supplies, Ministry of Defence, for the year 1996-97.

[Placed in Library, See No. LT-734/96]

- (iii) Memorandum of Understanding between the Goa Shipyard Limited and the Department of Defence Production and Supplies, Ministry of Defence, for the year 1996-97.

[Placed in Library, See No. LT-735/96]

- (iv) Memorandum of Understanding between the Bharat Earth Movers Limited and the Department of Defence Production and Supplies, Ministry of Defence, for the year 1996-97.

[Placed in Library, See No. LT-736/96]

- (v) Memorandum of Understanding between the Mazagon Dock Limited and the Department of Defence Production and Supplies, Ministry of Defence, for the year 1996-97.

[Placed in Library, See No. LT-737/96]

12.01 hrs.

STANDING COMMITTEE ON RAILWAYS

Third Report and Minutes

[English]

SHRI BASU DEB ACHARIA (Bankura) : Sir, I beg to present the Third Report (Hindi and English versions) of the Standing Committee on Railways (1996-97) an Action taken by the Government on the Recommendations contained in the Nineteenth Report of the Committee on "Safety Measures and Maintenance of Assets in Railways" and Minutes of the sitting of the Committee relating thereto.

12.02 hrs.

STANDING COMMITTEE ON HUMAN RESOURCE DEVELOPMENT

Forty-ninth, Fiftieth and Fifty-first Reports

SHRIMATI KRISHNA BOSE (Jadavpur) : Sir, I beg to lay on the Table a copy each (Hindi and English versions) of the following reports of the Standing Committee on Human Resource Development:-

- (1) Forty-ninth Report on the functioning of India Museum, Calcutta;
- (2) Fiftieth Report on the Netaji Bhawan, Calcutta; and
- (3) Fifty-first Report on the functioning of National Institute of Homoeopathy, Calcutta.

12.03 hrs.

RULING BY SPEAKER

Constitution of a Special House Committee to Enquire into the conduct of Shri Sukh Ram, Member

MR. SPEAKER : I have a ruling to give.

[Translation]

SHRI RAM NAIK (Mumbai-North) : Are you going to give a ruling about Sukh Ramji?

MR. SPEAKER : Yes.

[English]

MR. SPEAKER : Hon. Members may recall that during the previous Session, on 26 August, 1996, Shri Ram Naik, Member, had given notice of a motion for constituting a Special House Committee to enquire into the alleged misconduct of Shri Sukh Ram, a Member and a former Minister. I had decided, *vide* my ruling dated 12 September, 1996, to keep the matter pending as Shri Sukh Ram, who was then undergoing treatment abroad has requested me to grant him some time to furnish his comments on Shri Ram Naik's notice.

I have since received Shri Sukh Ram's comments.

To recapitulate, the notice given by Shri Ram Naik rests broadly on two grounds, *viz.* (1) that the Central Bureau of Investigation recovered huge amount of cash in raids conducted at the residence of Shri Sukh Ram (which according to Shri Ram Naik is presumably unaccounted money); and (ii) that Shri Sukh Ram failed to intimate the Lok Sabha Secretariat about his foreign visit.

Shri Ram Naik has contended that it amounts to a misconduct on the part of Shri Sukh Ram. He has, accordingly, requested that a Special House Committee be constituted to enquire into the said misconduct of the Member.

The Department of Personnel and Training have confirmed that two criminal cases under various provisions of the Prevention of Corruption Act, 1988, and the Indian Penal Code has been registered against Shri Sukh Ram and the same are under investigation.

Shri Sukh Ram has, in his comments explained the emergent circumstances under which he has to undertake the foreign visit at a very short notice due to which a formal information could not be sent to the Lok Sabha Secretariat.

As regards the allegation of recovery of huge amount of money from his residence during his absence, Shri Sukh Ram has stated that the matter is still under investigation by the CBI and that he may ultimately be called upon to defend himself in a Court of Law. Shri Sukh Ram feels that his defence is likely to be compromised or even frustrated if he were to comment at this juncture on the allegation of recovery of cash from his residence. He has, therefore, chosen not to offer any comment on this point.

I would dispose of the second ground of Shri Ram Naik's notice first.

Shri Sukh Ram has explained to my satisfaction the circumstances of and the urgency behind his sudden foreign visit. Moreover, the requirement that the Members should intimate the Lok Sabha Secretariat before undertaking a foreign trip is solely for the convenience

of the Members themselves. It enables the Secretariat to make necessary arrangements for assistance etc. to the members during their stay abroad. It is not obligatory on the part of the Members to intimate the Lok Sabha Secretariat before proceeding on foreign visits.

I am, therefore, of the view that no misconduct is made out against Shri Sukh Ram on that score.

Reverting to the first ground of Shri Ram Naik's notice, I feel that the entire matter has to be seen in a broader perspective and a clear distinction has to be made between the allegation of conduct unbecoming on a Member of Parliament against Shri Sukh Ram and the Allegation of involvement in criminal offences against him. The notice given by Shri Ram Naik states that the recovery of huge amount of money from Shri Sukh Ram's residence as the only ground for constituting a Special House Committee to enquire into the alleged misconduct of Shri Sukh Ram. A separate inquiry or the investigation arising out of the same facts is already being conducted by the CBI.

The allegation of conduct unbecoming of a Member of Parliament is thus incapable of standing on its own legs. It derives sustenance from the allegation of involvement in criminal offences. If the allegation of involvement in criminal offences is ultimately proved, the allegation of misconduct will automatically be established. If, however, the allegation of involvement in criminal offences falls through, the very foundation for the allegation of misconduct would crumble.

Under these circumstances, even if a House Committee were to be constituted, it would be called upon first to enquire into and establish the commitment of criminal offences before it could arrive at any conclusion about the misconduct of the Member. With the threat of prosecution in a Court of Law hanging upon the Member, I cannot perhaps fault Shri Sukh Ram is taking the stand that he has taken in offering no comments in the matter.

I am of the firm view that the investigation into offences of criminal nature is within the exclusive domain of the investigation agencies and that the Courts are the proper forum for establishing the guilt or the innocence of an accused in criminal cases. It would not be proper if Parliament were to arrogate to itself the jurisdiction of either the investigating agencies or the Court. The founding fathers of our Constitution had, in their wisdom, clearly demarcated the jurisdictions of the three organs of the State *viz.*, the Legislature, the Judiciary and the Executive. Each of these three organs should strive to strengthen the fabric of the democratic set up by refraining from encroaching upon the domain and jurisdiction of the other organs and by having healthy respect for them.

Under these circumstances, I think that it would not be in the fitness of things to constitute a Special House Committee to enquire into the conduct of Shri Sukh Ram at this point of time.

As I cannot, perhaps, reject Shri Ram Naik's notice on merits, I am inclined to keep it pending till a final verdict is given by the court in criminal cases against Shri Sukh Ram.

[Translation]

SHRI RAM NAIK : Mr. Speaker, Sir I do not have to say anything about your ruling. But Sukh Ram is saying out side that this money belongs to the party. He has given this information to all the newspapers that it is party fund and you have not been informed.

MR. SPEAKER : I have given my ruling on the basis of reasons state by you.

[English]

I do not have to go into other aspects.

12.10 hrs.

PAPER LAID ON THE TABLE (CONTD.)

Notification under Major Port Trusts Act etc.

[English]

THE MINISTER OF SURFACE TRANSPORT (SHRI T.G. VENKATRAMAN) : I beg to lay on the Table-

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (4) of section 124 of the Major Port Trusts Act, 1963:-

- (i) G.S.R. 452 (E) published in Gazette of India Dated the 3rd October, 1996 approving the Visakhapatnam Port Trust Dock (Amendment) Regulations, 1996.
- (ii) G.S.R. 398(E) published in Gazette of India dated the 2nd September, 1996 approving the Madras Port Trust (Distrain or Arrest and Sale of Vessels (Amendment) Regulations.
- (iii) G.S.R. 258 (E) published in Gazette of India dated the 27th June, 1996 approving the Cochin Port Employees (Grant of Advances for Building etc. of Houses) Amendment Regulations, 1996.
- (iv) G.S.R. 361(E) published in Gazette of India dated the 13th August, 1996 approving the New Mangalore Port Trust Employees (House Building Advance)

Special Family Benefit Fund Regulations, 1996.

- (v) G.S.R. 363(E) published in Gazette of India dated the 13th August, 1996 approving the New Mangalore Port Trust Employees (Contributory Outdoor and Indoor Medical Benefit after Retirement) Amendment Regulations, 1996.
- (vi) G.S.R. 367(E) published in Gazette of India dated the 19th August, 1996 approving the Madras Port Trust Pensioners' (Payment of Arrears of Pension) (Nomination) Regulations, 1996.
- (vii) G.S.R. 376 (E) published in Gazette of India dated the 22nd August, 1996 approving the Madras Port Trust Employees (Family Security Fund) Amendment Regulations, 1996.
- (viii) G.S.R. 377(E) published in Gazette of India dated the 22nd August, 1996 approving the Bombay Port Trust Employees (Allotment and Occupancy of Residences) Amendment Regulation, 1996.
- (ix) G.S.R. 378(E) published in Gazette of India dated the 22nd August, 1996 approving the Bombay Port Trusts Employees' (Classification, Control and Appeal) Amendment Regulation, 1996.

[Placed in Library, See No LT-676/96]

- (2) (i) A copy of the Annual Administration Report (Hindi and English versions) of the Mormugao Port Trust, Goa, for the year 1995-96.
 - (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the Mormugao Port Trust, Goa, for the year 1995-96.
- [Placed in Library, See No LT-677/96]
- (3) A copy each of the following papers (Hindi and English versions) under sub-section (2) of section 103 of the Major Port Trusts Act, 1963:-
 - (a) (i) Annual Accounts of the Mormugao Port Trust, Goa, for the year 1995-96, together with Audit Report thereon.
 - (ii) Review by the Government on the Audited Accounts of the Mormugao Port Trust, Goa, for the year 1995-96.

[Placed in Library, See No LT-678/96]
 - (b) (i) Annual Accounts of the New Mangalore Port Trust for the year 1995-96, together with Audit Report thereon.