

14.26 hrs.

Title: Combined discussion on the Statutory Resolution regarding disapproval of Indian Council of World Affairs (Second) Ordinance, 2001 and the Indian Council of World Affairs Bill, 2001 moved by Shri Varkala Radhakrishnan on 20.8.2001 (Resolution negative and Bill Passed.)

MR. CHAIRMAN: The House will now take up item Nos.16 and 17 together.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Mr. Chairman, Sir, kindly allow me to place the facts before the House. I am speaking to the good conscience of this House to maintain the high traditions of Parliamentary democracy.

The Indian Council of World Affairs Bill to replace the Ordinance of 2000 was introduced in the Lok Sabha during the Winter Session of Parliament in 2000. The Bill was considered by this House and passed by the Lok Sabha on the 18th December, 2000. We had finally passed this Bill. The Bill was listed for consideration in the Rajya Sabha on the 21st December, 2000 but before it could be taken up for consideration, the Rajya Sabha adjourned. Then, the Bill lapsed.

In order to maintain continuity of action, the Indian Council of World Affairs Ordinance (No.1) was promulgated on the 5th January, 2001. That was the second time the Ordinance was promulgated. Again, owing to repeated adjournments of the two Houses of Parliament, the Bill could neither be withdrawn nor be introduced. Accordingly, the Ordinance (No.1 of 2001) was again re-issued. It also got expired after six weeks. Then, in order to maintain continuity, a second Ordinance, that is, the third Ordinance of 2001 was promulgated by the President on the 8th May, 2001. So, there was re-issuance of the Ordinance for three times. I do not want to go into the details of the case. It is an admitted fact that there were three re-promulgations.

Secondly, it is also an admitted fact that this House has taken cognisance of this Bill and the House has already passed the Bill on the 18th December, 2000. We will now have to examine the constitutional provision so far as the re-promulgation is concerned. In this context, I may refer to a Full Bench decision of the Supreme Court. I am reading from the decision of the Supreme Court, which was pronounced in 1987. I am reading from page 579. That judgement was pronounced by the Chief Justice Bhagwati and Justices Ranganath Mishra, B.L. Ojha, M.M. Dutta and K.M. Singhvi. The Full Bench decision was reported in 1987. In that case, the petitioner is a professor of political science, who has done substantial research work and is deeply interested in ensuring proper implementation of the Constitutional provisions.

The Supreme Court had finally looked into the matter. It was in the case of Dr. D.C. Wadhwa and others *versus* The State of Bihar. It was in 1987. The Supreme Court had examined the entire question of re-promulgation of Ordinance. I am reading the relevant paragraph from the judgement. In that case the question examined was whether the Governor has powers or not to re-promulgate the same Ordinance successively without getting it passed by the Legislature. That was the question examined by the Full Bench of the Supreme Court. The Court said :

"Clearly the Governor cannot do it. He cannot assume the legislative function in excess of strictly defined limits set out in the Constitution because otherwise it would be usurping a function which does not belong to him."

...(Interruptions)

MR. CHAIRMAN : I request the hon. Member not to go to the Official Gallery.

SHRI VARKALA RADHAKRISHNAN: Sir, I am reading from the judgement. This was in 1987. The Court said :

"It is significant to note that so far as the President of India is concerned, though he has the same power of issuing the Ordinance under article 123 as the Governor has under article 213, there is not a single instance in which the President has, since 1950 till today, re-promulgated any of the Ordinance after its expiry."

That was the tradition of this House. This was not set by me but by the Supreme Court. They have found that

commencing from 1950 till date, there was not a single instance wherein an Ordinance was re-promulgated by the President. This judgement was in 1987.

MR. CHAIRMAN : Shri Radhakrishnan, you will have a right to reply also. Please conclude now.

SHRI VARKALA RADHAKRISHNAN : Sir, there was no other instance in the history of Parliament. I want to know why this was done in Bihar State. The issuance of Ordinance is more or less like an epidemic disease in parliamentary democracy. It will spread to all the States. This tendency of issuing of Ordinances is more or less like a highly contagious disease in parliamentary democracy. After the NDA Government has assumed power, that epidemic is now spreading to this House also. This contagious disease has now spread to the four walls of this Parliament.

The President has re-promulgated the Ordinance thrice in utter violation of the system enunciated by the Full Bench of the Supreme Court. What is the authority of the President to issue an Ordinance when this Full Bench decision is there?

It is applicable to everybody. It is applicable to the States as well as to Parliament. Moreover, it has been significantly noted that there was not a single instance in Parliament where the President had to re-promulgate the Ordinance. This was till 1987. They had examined the whole matter then.

I am now coming to the next point.

MR. CHAIRMAN : I think this is your concluding part.

SHRI VARKALA RADHAKRISHNAN : Sir, here the question is not only that it is a mere case of Bihar, but there is a case where this House has passed this Bill.

The House has already taken cognizance of this Bill and we have passed it. Moreover, it was only on the 9th of August, after the commencement of this Session, that they had come with a motion to withdraw the Bill that had been passed by this House. So, at a time when the last Ordinance was issued, it is crystal clear that the Bill was passed by this House. Can the Executive, under the emergency provisions of the Constitution, issue an Ordinance when the House is already seized of the matter and has passed the Bill? It is only an emergency provision and it can be used only sparingly and in exceptional cases. It cannot be used in a routine manner.

Now, I may be permitted to state that I am personally satisfied that there was no such instance in Parliament when this decision was taken. Now, we have come to experience that we are discussing a Bill which was already passed and in the midst of passing of this Bill, they have issued an Ordinance in complete disregard of the constitutional provisions as well as the ruling of the Supreme Court. Now, I will tell you what exactly is the position. I shall refer to the constitutional process.

MR. CHAIRMAN : Shri Radhakrishnan, you will have the right to reply. Please conclude.

SHRI VARKALA RADHAKRISHNAN : Please do not disturb me.

Is the Executive justified in advising the President to issue an Ordinance when the House has passed the Bill? Now, I shall draw your attention to the provision in the Constitution. I shall take you to article 108 of the Constitution. Article 108 (1) reads:

"If after a Bill has been passed by one House and transmitted to the other House –

- a. the Bill is rejected by the other House; or
- b. the Houses have finally disagreed as to the amendments to be made in the Bill; or

(c) more than six months elapse from the date of the reception of the Bill by the other House without the Bill being passed by it,

the President may, unless the Bill has elapsed by reason of a dissolution of the House –"

Here, there is no dissolution. The House is still alive. Both the Houses are alive.

MR. CHAIRMAN: That Bill was withdrawn.

SHRI VARKALA RADHAKRISHNAN : One House had passed it and even the other House rejected it.

MR. CHAIRMAN: In spite of that, the Bill was withdrawn.

SHRI VARKALA RADHAKRISHNAN : Article 108 further reads:

"â€. The President may, unless the Bill has elapsed by reason of a dissolution of the House of the People, notify to the Houses by message if they are sitting or by public notification if they are not sitting, his intention to summon them to meet in a joint sitting for the purpose of deliberating and voting on the Bill: "

This is the provision. Article 108 should have been resorted to for passing this Bill. In the context that one of the Houses had passed the Bill and the other House had not passed it, they need not resort to the emergency provision, the extraordinary provision of the Constitution. There is an ordinary provision in article 108 and they should have resorted to this provision.

This is a clear case of encroachment on the powers of this House. This is a clear case wherein they have violated the Full Bench decision of the Supreme Court where it is crystal clear that re-promulgation is not at all allowed and re-promulgation is considered to be a fraud on the Constitution. Moreover, here is a case which is an extension of Bihar case. In Bihar case, only a re-promulgation was done, but here not only re-promulgation is done but also the passing of the Bill is there. Why should they withdraw the Bill when it is passed in one House? Since they had to take a decision, the Bill had to be withdrawn. Now, the Ordinance was issued when the Bill was passed by this House.

MR. CHAIRMAN : Please conclude, Shri Radhakrishnan. Please take your seat now because you have got the right to reply later. Therefore, do not finish all the points now itself.

SHRI VARKALA RADHAKRISHNAN: My humble submission is that this is a clear case where constitutional provisions have been given a go-by. Hon. Speaker is the custodian, and he is the Almighty to protect the rights of this House. If you take a very serious view of the matter and you are inclined to follow the Supreme Court's clear decision, then this should not be allowed. Of course, I do understand and I know that the Speaker is bound to conduct the business of this House, but he should not conduct illegal business. It is not the business of the Speaker to conduct illegal business.

MR. CHAIRMAN: Shri Radhakrishnan, please take your seat now.

SHRI VARKALA RADHAKRISHNAN : It is not the Speaker's business to conduct it in violation of the constitutional provisions. When there is a specific provision in the Constitution, they cannot resort to this provision.

MR. CHAIRMAN: Please take your seat, Shri Radhakrishnan. You have made your point.

SHRI VARKALA RADHAKRISHNAN : I, therefore, appeal that my Disapproval Resolution be accepted. I am sure, if this matter goes to the Court, the Court would definitely throw away this process, and warn you that we will be more or less put into difficulty. The matter will go to the Supreme Court. The Supreme Court will take a very serious view of the matter. If you pass this Bill in utter disregard of what they have said, I warn this House and all of you that the Supreme Court will take a very serious view of the matter and the entire proceedings will be thrown to the wind, and we will be put in a ridiculous position.

MR. CHAIRMAN: Shri Radhakrishnan, please take your seat. You have made your point.

SHRI VARKALA RADHAKRISHNAN: In order to avoid such a position, I appeal to the good conscience of the House to maintain parliamentary dignity, parliamentary tradition, which was maintained by this House till 1980 or 1990 as the judgment said. It has now become the practice of the NDA Government to bring in legislation by issuance of an Ordinance. Therefore, I strongly plead that my Disapproval Resolution be accepted.

SHRI A.C. JOS (TRICHUR): Sir, I want to seek a clarification from the Minister.

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

SHRI A.C. JOS : We may pass this Bill, but is the hon. Minister sure that the Upper House will accept it? I want to

know whether the hon. Minister is sure or not.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): The other House will not pass it.

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

THE MINISTER OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION (SHRI JAG MOHAN): So far as the point raised by the hon. Member is concerned, the issue is very simple. This ruling of the Supreme Court which the hon. Member was reading, pertains to the Bihar case where the matter was never referred to the Legislature. Here is a Bill which was passed by the Lok Sabha and sent to the Rajya Sabha. The Rajya Sabha could not consider it due to repeated adjournments. I have explained all these things when the point of order was raised last time.

The second point is that this Bill has already been withdrawn with the permission of both the Houses, which he is referring to. Therefore, this objection is not at all valid. We have taken the legal advice from the Attorney General and it is perfectly valid. The House itself has given the permission. This is the point, so far as the technical aspect is concerned. If no other point is to be made, I can give the justification for this Bill.

The basic point which I want to make is, this is a very tragic story of an institution, a very renowned institution, which has been ruined, which has been smothered to decline and death. Now, an attempt is being made to resurrect this institution, to infuse new life into it and to ensure that this does not become a kind of a small ground of politics and petty considerations, and the high purpose with which Sir Tej Bahadur Sapru and the Government had set up this institution is fulfilled.

Now, I am very surprised when it has been said that the other House may not pass it, when objections were raised last time to stall the Bill. The point is that there are three consecutive recommendations of the Standing Committee attached to the Ministry of External Affairs and they are unanimous recommendations. I would like to read those recommendations which speak for themselves.

What do these recommendations say?

First, the Standing Committee of 1993-94 observed, 'the Committee feels that it is high time that the ICWA was salvaged and resurrected as an autonomous institution of national importance before it is too late.' The Committee of 1994-95 reiterated this view. The Committee of 1998-99 made the following observation:

"...while expressing deep concern over the state of affairs in the ICWA, popularly known as Sapru House, the Committee are of the view that unless ICWA is taken over by the Government there would be further deterioration in this institution which was set up with high hopes of making it a credible and a respectable institution. It continued to work well till 1980. The Committee recommends that the Ministry of External Affairs should come forward and make every effort to revive the proposal of take over of ICWA by the Government."

Sir, forty-four prominent Members of this august House as well as of the Rajya Sabha made this recommendation. Who were these Members? I will just name a few of them, namely, Shri Sharad Pawar, Dr. Karan Singh, Shri P.A.Sangma, Shri Shivraj Patil -- he was objecting to it when he was sitting in the House last time -- Shri P.Shiv Shankar, Shri Natwar Singh, Shrimati Geeta Mukherjee, Shri Madhavsinh Solanki, Shri R.Mohammad Khan and I was also one of the Members but I am not quoting that here. This recommendation had been made earlier also and now I am surprised that every one, whether they belong to the Lok Sabha or the Rajya Sabha is objecting to it. What we are doing is following their recommendations only. We are implementing their recommendations and these recommendations have not been made once or twice but thrice by such prominent and senior parliamentarians. It raises an issue of integrity of thought and honesty of conviction. It raises many issues. It is first recommended and then it is said that they do not want this Bill to be passed. I do not want to go into any controversy. I would like to place on the Table of the House the authenticated copies all those notes and records of the opinions expressed when late Rajiv Gandhi was the Prime Minister and when Shri V.P.Singh was the Prime Minister. What were the recommendations and what was the view of the Government then? I would only read a few of them, particularly when late Rajiv Gandhi was the Prime Minister. Some of the Members here say that they would oppose it in the Rajya Sabha and some of them tried their best to oppose it here as well. The note approved by the then Prime Minister says that Government should take over the Indian Council of World Affairs. The basic objective in suggesting such a measure was to prevent mismanagement of the Indian Council of World Affairs and the vicious politicking that has, over the years destroyed this prestigious institution.

Sir, then again in December, 1986, the then Prime Minister had approved that the Government should sort out the mess in the Indian Council of World Affairs by declaring it an institution of national importance. Proper arrangements should also have to be made to cope with the law and order problems. It was the opinion of late Rajiv Gandhi

Government that the then President of the ICWA was a man of such a stature that it would require a law and order problem to be tackled when you take it over. Therefore, they requested for the Ordinance to be issued by Friday lest the property of the Council would have to be done away with. This was the attitude of the then president and the view expressed by the Government which is now opposing it.

Sir, then came the Government of Shri V.P.Singh. What was the view of that Government? For the last several years, the ICWA has been in a terrible shape with heavy financial arrears and a sharp deterioration in its academic excellence.

"This is primarily because the institution's leadership has been hijacked by individuals who sought to use it as a platform for politics. The President of the ICWA Harcharan Singh Josh, a minor Congress(I) politician, registered bogus members so as to capture the Executive Committee. The Former Prime Minister, Shri Rajiv Gandhi had approved that the Government should take remedial measures to restore the ICWA as a premier institution, remodel its constitution against possible hijacking of the institution in the future. The note also referred to the constant complaint referred by the members of the staff, academicians and political personalities. It would be a shame if we do not act to save this premier institution especially when all the basic spadework has already been done. Earlier, complaints had been received from several Members of Parliament including Shri Bali Ram Bhagat, Shri Bhuvanesh Chaturvedi."

Sir, I would like to mention, as a background, that this institution was set up in 1943 by persons of eminence like Shri Tej Bahadur Sapru. People like Prof. Hridayanath Kunzru were associated with it. It had a high name in those days. It worked very well for 38 years and then fell into the hands of Shri Harchand Singh Josh. In 1986, *The Hindustan Times* carried an investigative report on ICWA. Many other papers did so at different times. However, for want of time I would refer to the investigative report published by *The Hindustan Times* only. I would like to lay an authenticated copy of this on the Table of the House. I will read only one or two extracts from this report. It says:

"What happened to ICWA is a reflection of the Indian reality where a group of petty politicians shatter the dream of community equality for their personal empire-building. The tragedy is that the Organisation has gone down hill."

Another extract says:

"In 60s, if India Gate was the geographical landmark of the Capital, Sapru House was the landmark in cultural and intellectual life of independent India. In the years immediately after, ICWA provided a forum for visiting dignitaries like Ho Chi Minh, Chester Bol, Karl Henessor, Arnold Toynbee. Today, it is better known for a theatre parading the name of Punjabi culture, Kabaddi matches organised by petty traders, lavish wedding parties and various activities."

There is another equally damaging report. What was the *modus operandi* followed? I have with me this report which mentions the names of people who were registered as members. I will place this report on the Table of the House. Here are some of the posters of the plays being staged in this institute of learning. They say, "*kudi jawan, gawandi pareshan*". This was the level to which this institute was reduced.

For twenty years the same gentleman occupied the position by manipulating the elections. As to how the elections were manipulated was a story in itself, a tragic story. I will just place on record a list of the cheques issued. How were the members recruited? A single cheque was issued for 330 members. The number of the cheque is given; it is dated 15th June, 1982. Three hundred and thirty members were enrolled on the basis of that one cheque. All of them were from Delhi. I will read the roll of honour later on. Another 100 people, and another 200 people were registered in bulk. I will place all those lists on the Table of the House. Who were the people enrolled as members? The very learned people and the great academicians that were registered were – Mahinder Pal Singh, Sabzi Mandi; Patwar Singh, Sabzi Mandi; Inderjit Kaur, Sabzi Mandi; Balbir Singh, Sabzi Mandi; Jaspal Singh, Sabzi Mandi, Harnam Singh, Sabzi Mandi and so on. I will give you the whole list of hundreds of people who were enrolled. They say, it is with their vote that they were elected.

There was a box item in *The Hindustan Times* about this. A reporter from *The Hindustan Times* went to various places where these people were there and interviewed them. One of the persons interviewed was Shri Satnam Singh who is a drop out in academy after school. What does he do? He runs a provision store in Shaura Kothi, Sabzi Mandi. And, he was a Member of the ICWA! His shop is opposite the house of Shri Harcharan Singh Josh. When the Reporter of *The Hindustan Times* met Shri Satnam Singh posing him as a research scholar doing a research on ICWA, he was visibly embarrassed and replied: "Why do you not ask some learned men about ICWA?"

Why are you asking me? I know nothing about it" When asked as to why he became a Member of ICWA, Shri Satnam Singh replied: " Josh Saheb told me to sign the form and I did so. I have good relations with his brother." On being asked whether he goes to Sapru House, he replied: "No. Every year, I just go once just for election. We go and cast our votes." When he was asked by the Reporter as to whom did he cast his vote last time, he replied: "I do not remember. Josh Saheb gave us the list and we voted for all in that list."

Mr. Chairman, Sir, there are a number of such interviews taken about its working. A person alleged to be hand in glove with Shri Josh -- Shri Rishi -- is the Vice-President of this Council who is an industrialist owing an electronic factory at Okhla. In 1982, he allegedly financed 22 Members at a cost of Rs. 21,600 via cheques of the Central Bank of India, New Delhi. The cheque numbers are all given. That is how the Members were recruited and that is how the bogus elections were held. For 20 years, the Indian Council of World Affairs was dominated by a single individual. This also speaks not only of power politics or administration but the culture of apathy and indifference which we have in this country. For evil to prosper all the good men have to do nothing. That is why practically he did nothing for 20 years.

Though the efforts were made during the regime of Shri Rajiv Gandhi and Shri V.P. Singh yet they were not sustained efforts.

Some sort of a technical point was raised in the court. The court took it up and then a division bench also allowed it. Then the Houses were meeting but later on, one House dissolved and nobody, subsequently, pursued the matter.

But now, this Government has taken energetic steps in this regard. We have brought this issue to the forefront. Our intention is to save this Institution and restore its old glory. We have taken so many steps. We have brought a new composition of the Council to ensure that this type of hijacking never takes place again and we will ensure that this type of Sabzi Mandi does not control it. We have given a lot of suggestions. One is that the President of this Council will be the ex-officio Chairperson of the Rajya Sabha. The hon. Vice- President of India will be the ex-officio Chairperson of this Council. We have suggested that five hon. Members of this Lok Sabha may be nominated by the Speaker and three Members of Rajya Sabha may be nominated by the Chairperson of the Rajya Sabha to the Council. We have said that we will recruit all the people. The Council will nominate the learned people. We have a list of 45 such people which balance the point of election as well as nomination. The idea is to prevent the hijacking.

Mr. Chairman, Sir, a point was made that it would be bureaucratized regarding control. There will be no excessive control by the Government. When the hon. Members of this august House and the hon. Members of Rajya Sabha will be there, how can anybody control it or dominate it? The respect is due to all the opinions. The Chairperson is the Vice-President of India. So, there will be nothing of this sort. Take for example, the present arrangement. It is not a catholic arrangement. Whom did we nominate? We have nominated Shri Hamid Ansari. We have nominated the Vice-Chancellors. We have nominated Shri Dipak Nayyar, Shri Syed Shahabuddin, Prof. Nirmala Joshi, Prof. Rakesh Mohan and other eminent personalities. There is not a single person about whom any objection can be raised. Those who are genuinely interested in our foreign diplomacy, foreign relations and economic relations are the persons in it.

15.00 hrs.

Therefore, Sir, I would like to curtail it and say that I have got three sets of photos with me, which I will authenticate and place before this House showing what was the condition before we took over, what was the condition at the time of take over and what was discovered from the roof, including the liquor bottle. During the last one year, I was nominated as the Chairman of the Reconstruction Committee. I will also place on the Table of the House what work has been done by the Reconstruction Committee to restore this building to such a glory. What was the condition of this building at that time? It was collapsing. What a beautiful building now it is! What was the condition of the stinking bathrooms and what is their condition now? What is the condition of the staircase, the library, bookstalls? For want of time I do not want to go into the details. I have a film with me and I am prepared to show it to anyone in the Nirman Bhavan. All those who are interested can come and see it. I am also prepared to escort them to the institution itself and see the transformation which has taken place in this institution. Now we have to inject the a spirit of dynamism for raising it to a new level. The legacy at present of Harcharan Singh Josh and company is, a deserted building, a deserted library, decaying institution and a dead institution. Now, we have to revive it. It is for you to decide whether you want it to be resurrected or not. I am sure the reply of this House will be to completely resurrect it.

I thank the Members for having listened to me and I would request that this Bill be passed.

SHRI R.L. BHATIA (AMRITSAR): Sir, I stand to oppose the Bill presented by Shri Jagmohan. Before I speak on the Bill, I would like to draw the attention of the House of the venom of the Minister against a particular individual. In his short speech of ten minutes, he named him seven times. There lies the whole question of this Bill coming to this

House. He can correct me if I am wrong. Shri Josh told me that, Shri Jagmohan called him and told that he should take two RSS leaders in the Committee.â€ (Interruptions)

SHRI JAGMOHAN: I have not mentioned the name. I have read from the records. I have only read the records recorded during the time of Shri Rajiv Gandhi and Shri V.P. Singh.

SHRI R.L. BHATIA : I simply ask you this. Did you ever have any talk with Shri Josh?

SHRI JAGMOHAN: No, not at all.

SHRI R.L. BHATIA: He said, you had. You may either contradict it...(Interruptions)

SHRI JAGMOHAN: Where is the question of my contacting him? Was the recommendation made by the Standing Committee also because of my contact?... (Interruptions)

SHRI R.L. BHATIA : That is a different thing. I am not going to the Standing Committee.

Sir, the Indian Council of World Affairs was set up by Pandit Jawahar Lal Nehru and people like Zakir Hussain, Radhakrishnan, Hridayanath Kunzru...(Interruptions)

SHRI VARKALA RADHAKRISHNAN: Sir, I am on a point of order.

MR. CHAIRMAN :Under what rule?

SHRI VARKALA RADHAKRISHNAN : I know the rule. I have a very important and pertinent question.

MR. CHAIRMAN: Under what rule you wish to raise the point of order?

SHRI VARKALA RADHAKRISHNAN : I know the rule, Sir, but I do not have the book with me.

MR. CHAIRMAN: I know, you know the rule but you will have to mention it. You first mention the rule.

SHRI VARKALA RADHAKRISHNAN : When a Member is speaking anything contrary, we can raise...(Interruptions)

MR. CHAIRMAN: Under what rule are you raising the point of order?

SHRI VARKALA RADHAKRISHNAN : When a Member is speaking opposed to fact...(Interruptions)

MR. CHAIRMAN: Shri Radhakrishnan, you may first quote the rule.

SHRI VARKALA RADHAKRISHNAN: I do not exactly know the number.

MR. CHAIRMAN: You are raising a point of order without knowing the rule number.

SHRI VARKALA RADHAKRISHNAN : Sir, Rule 376 says:

"A point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution as regulate the business of the Houseâ€ "

I am referring to the business of the House. Sir, I have raised a very pertinent question. This Bill has again been brought to this House and it will have to go to the other House again. Will there be any change in the situation? Is it not a colourful exercise? The House is a very important body. It is a Constitutional functionary...(Interruptions)

MR. CHAIRMAN : Shri Radhakrishnan, there is no point of order. Please take your seat.

SHRI VARKALA RADHAKRISHNAN : Sir, he has not answered a single point.

MR. CHAIRMAN : Shri Radhakrishnan, there is no point of order. Please take your seat.

SHRI VARKALA RADHAKRISHNAN : Sir, I did not go into any part of the Bill. I did not speak a word about the content of the Bill. What I spoke was about the legal procedure.

MR. CHAIRMAN: You will get the opportunity.

SHRI VARKALA RADHAKRISHNAN : He has not replied my legal point.

MR. CHAIRMAN: You can say all these things in your speech.

SHRI VARKALA RADHAKRISHNAN : When I raised a question of maintainability and constitutionality, he should

answer my question. He has not replied anything...(*Interruptions*)

MR. CHAIRMAN: Please take your seat.

SHRI R.L. BHATIA : Sir, this Institute was set up with a very lofty idea that the people should be educated in foreign affairs, the foreign policy of the Indian Government should be propagated, and people should have the right of discussion and deliberation in this institution. Sir, this institution was presided over by man like Baliram Bhagat who was the former Foreign Minister and late Rajiv Gandhi was the Vice President of this institution. Sardar Swaran Singh was also managing its affairs. Today, Shri Sayeed, our Deputy-Speaker is the Vice Chairman of it. You are referring to Sabzimandi and all that but you have not referred to the people who are already there and are managing its affairs. Do you have any doubt that our Deputy-Speaker cannot manage the affairs?

Sir, history of this organisation is that the Government of India wanted to set up an independent organisation to educate people and organise debates. A very big library was set up where analysts, researchers, and students who were interested in the international affairs would go and study. This institution was imparting knowledge over there. Sir, it was never supported by the Government. The Government only gave land to them at a nominal price of Rs.10,000. This huge building which is known as Sapru House was set up by this organisation by getting donation from the people and through membership fee. The Government of India never gave any money and never supported this organisation. The whole idea of Pandit Jawaharlal Nehru was to set up an independent organisation which would look after their affairs to educate people in the field of international affairs.

As I said, it was never funded or supported by the Government. The only grant the Government of India gave was to the library. That was because of the fact that sixty thousand books of this organisation was taken away by JNU. The Government asked this organisation to hand over the books to JNU. Therefore, in compensation when a protest was made, Shri Chagla, the then Education Minister, promised to help this institution and for a couple of years Rs.2 lakh was given. Thereafter, no amount of money or aid was given by the Government.

With regard to the library, Mr. Minister objected by saying that there were no books and nothing of the kind. He went to the extent of describing it as a dying organisation. But, I would say that even after sixty thousand books were taken away by JNU, this institute bought 26 thousand books and journals published all over the world were made available for the researchers to study, to write papers and to prepare for debates. This library was appreciated even by the UN. When the UN Director came here, he appreciated it by saying that it was a very good library. But the Minister is saying something very different, which is wrong.

The Minister has also said that there has been a deterioration of the institution and it is a dying institution. But the activities of this organisation since 1980, the period to which he referred, speaks otherwise. About 400 to 500 scholarly publications have taken place. The Council had organised an International Conference of UN on New World Order which was attended by 84 distinguished leaders from outside and 90 eminent persons from India. But the Minister says that this organisation is dying.

Similarly, many other activities have been organised by this institution. So much so, this prestigious organisation gave a prize to Mr. Nelson Mandela. He came to the institute and addressed its members. Mr. Yasser Arafat was also given a prize by this institute who also came here to address its members. But the Minister says that it is a dying organisation and nobody is taking any interest in it.

There has been no violation on the commitment of lease. Money has been paid regularly every year, the last payment being up to 2000. There is no due from this organisation whatsoever. There is an objection that they have sub-let some areas in this organisation. But who are the people who have been sub-let? They are; the Strategic Institute, the Press Institute, and the Children Service Society. If I am wrong the Minister may correct me, there is an organisation in which the Minister himself is the President and that also has got a portion in this sub-letting. He can deny this.

SHRI JAG MOHAN: No, I am not. I will reply to your point.

SHRI R.L. BHATIA : I agree with Shri Varkala Radhakrishnan that this Government is issuing one Ordinance after another. This is the third Ordinance they have placed before this House. Bills are brought in, Bills are returned and again Bills are re-introduced. This is not the way to run the Parliament. It smells something. As I said earlier, there seems to be something wrong in the relationship between the Minister and Shri Josh since he has named him a number of times. That is how he is in a hurry to bring this Bill and get it passed by this House. He has quoted a Supreme Court decision also. Yet the Minister wants to hurry up this Bill.

In between, when the case was in the court, there was a stay order. The Minister sent 200 policemen to take over the possession of the building. Alongwith them, there were more than 100 RSS workers. So, what was the hurry? When the case is in the court, when the proceedings are going on, what is the hurry to bring Ordinances and

Ordinances, and then hurry up with the Bill? I fail to understand this point. The Minister shall have to explain as to why it is done.

Then, let me come to the objects of the Bill. He has listed the objects of the Bill. The institution has been carrying on, with its present set-up, every object or work which he has mentioned. Debates are taking place and all books and journals are there. All types of activities which he has mentioned have already been done. There is nothing new which you are saying. But apart from that, this Institute has started the Indira Gandhi Memorial Inter-university Debates. From all over India, universities come here for debates and get prizes. The last prize was got by the Delhi University. This was the activity which was being done by the Institute.

All I want to say is that the Government wants to take it over. The objective is very clear. My own view is that like any other institute which was saffronised, you are saffronising this Institute also. You have already saffronised ICCR, you have already saffronised the Indian Council of Historic Research and you have already saffronised the Indira Gandhi Centre for Arts. You are saffronising history, education and now the axe is on ICWA. This is part of your thinking. You have an independent organisation which was set up by the public institutions and they are doing good job and you want to saffronise it. Therefore, you want to take it over. That is the main object which you have not mentioned in this Bill. I feel there is no valid reason except what you have said. You just want to take it over. You are now mentioning five Members from this House and ten Members from that House. But already big people are there. Our hon. Deputy-Speaker is the Vice-Chairman of this Institute. Prof. Hingorani is there and a number of people are still on the Board. They are organising seminars. At least, 200 seminars have been organised in these few years. I must have addressed half-a-dozen seminars and he is saying that it is a dying and dilapidating organisation. So, I do not find these arguments valid. All I can find is that you want to saffronise it and you are doing it. Therefore, I oppose it.

प्रो. रासा सिंह रावत (अजमेर) : मान्यवर सभापति जी, मैं माननीय मंत्री जी द्वारा प्रस्तुत भारतीय विश्व मामले परिषद् विधेयक, 2001 का पुरज़ोर समर्थन करता हूँ। वास्तव में सरकार इस विश्व मामलों से संबंधित भारतीय परिषद् को राष्ट्रीय महत्व की संस्था घोषित करने के लिए और उसके अनुसार ही उसका निगमन तथा उससे संबंधित अन्य विधियों का उपबंध करने के लिए यह विधेयक लाई है।

इस विधेयक के बारे में जब अभी माननीय भाटिया जी कह रहे थे, मुझे हँसी आ रही थी कि विदेश मंत्री के पद पर अधिष्ठित रहने वाले और इतने अच्छे विद्वान होते हुए भी जिस ढंग से वे तर्क दे रहे थे, मैं समझता हूँ कि वे उनकी गरिमा के अनुरूप नहीं थे। मैं उनसे पूछना चाहता हूँ कि अगर माननीय उपराष्ट्रपति जी को इसका पदेन अध्यक्ष बनाकर, लोक सभा और राज्य सभा के सदस्यों को उसमें नॉमिनेट करके, और बहुत प्रतिष्ठा प्राप्त विश्वविद्यालयों के उपकुलपतियों या भारतीय राष्ट्रीय स्तर के जो ऐसे विद्वानों को अगर उसमें नॉमिनेट करने वाली बात इस बिल में लाई गई है तो राष्ट्रीय स्वयंसेवक संघ कहां से आ गया?

आप कह रहे हैं कि भगवाकरण किया जा रहा है। आपने कहा कि राष्ट्रीय स्वयंसेवक संघ के कार्यकर्ता भर दिए। **वै। (व्यवधान)**

श्री आर.एल.भाटिया : इसके वाइस प्रेसीडेंट डिप्टी स्पीकर साहब हैं।

प्रो. रासा सिंह रावत : अगर राष्ट्रीय स्वयंसेवक के कार्यकर्ता भरे जाते हैं, तो आपको क्या आपत्ति है। मुझे ऐसा मालूम देता है कि कांग्रेस को राष्ट्रीय स्वयंसेवक संघ के नाम से एलर्जी हो गई है। क्या राष्ट्रीय स्वयंसेवक संघ के लोग इस देश के निवासी नहीं हैं, क्या वे इस देश को अपनी मातृभूमि नहीं समझते, क्या वे इस देश से प्यार नहीं करते, क्या वे देश का सर्वोच्च सम्मान करने वालों में नहीं हैं, क्या वे इस देश को विश्व में सम्मानित राष्ट्र के रूप में देखने वालों में और इस राष्ट्र की उन्नति और प्रगति करने वाली विचारधारा रखने वालों में नहीं हैं, क्या वे इस देश को संसार का सर्वप्रमुख राष्ट्र बनने का सपना देखने वालों में नहीं हैं और यदि वे ऐसा सपना देखते हैं, तो क्या यह अनुचित है? यह कांग्रेस की मान्यता है कि एक असत्य को यदि 100 बार दोहराया जाए, तो वह सत्य हो जाता है। मैं कहना चाहता हूँ कि असत्य हमेशा असत्य ही रहता है।

सभापति महोदय, जब इस संस्था का कांग्रेसीकरण हो रहा था, तब तो उन्हें कोई आपत्ति नहीं थी। हरचरण सिंह जोश का नाम बार-बार लिया जा रहा है। मान्यवर, मैं किसी का नाम नहीं लेना चाहता, लेकिन यह सत्य है कि राष्ट्रीय महत्व की इस संस्था को शादी-विवाह के लिए किराए पर दिया जाता था। इससे बढ़कर इस संस्था की विकृति और क्या हो सकती है। मैं आपके माध्यम से सदन का ध्यान आकर्षित करना चाहता हूँ कि इस संस्था के बारे में बताया गया कि चुनाव कराने जा रहे थे। मैं कहना चाहता हूँ कि चुनाव में बोगस लोगों को सदस्य बना लिया गया, जैसा अभी सब्जी मंडी के नामों का उल्लेख किया गया। चुनाव की तारीख घोषित हुई- 5 सितम्बर, 2000, लेकिन 12 अगस्त, 2000 को ही चुनाव कर लिया गया और अपने-अपने लोगों को उसमें भर लिया गया।

सभापति महोदय, सदन में विपक्ष की माननीय नेता सोनिया गांधी जी विराजमान हैं। मैं उनसे कहना चाहता हूँ कि वे ऐसे लोगों से सावधान रहें। जिस संस्था से पं.ज. वाहरलाल नेहरू, सर्वपल्ली डा. राधाकृष्णन, डा. जाकिर हुसैन, हृदयनाथ कुंजरू, तेज बहादूर सप्रू, डा. राजेन्द्र प्रसाद जैसे महान लोग संबंधित हों, वह संस्था ऐसे लोगों के हाथ में चली जाए, तो आवाज उठानी चाहिए और बताना चाहिए कि इस संस्था का दुरुपयोग हो रहा है। मान्यवर आपको आश्चर्य होगा यह जानकर कि 20-20 साल के लिए इसके अध्यक्ष और उपाध्यक्ष चुन लिए गए। इस संस्था में कार्य करने वाले कर्मचारियों को वेतन का नियमित रूप से भुगतान नहीं किया गया। वहां के कर्मचारियों ने सरकार को ज्ञापन दिया था कि उन्हें उनके वेतन का भुगतान नहीं किया जा रहा है।

उपाध्यक्ष महोदय, इस संस्था को चेन्नई, मुंबई, कलकत्ता और दिल्ली के बड़े-बड़े लोगों से दान प्राप्त होता था क्योंकि यह बड़े-बड़े नेताओं से सम्बद्ध है, राष्ट्रीय महत्व की संस्था है और इनके पास विश्व स्तर की लायब्रेरी है, लेकिन आज यह संस्था मुट्ठीभर लोगों के हाथ की कठपुतली बन गई। इसलिए सरकार ने हस्तक्षेप किया, तो इसमें कोई बुरी बात नहीं है।

मान्यवर, यहां तीन और चार अध्यादेश लाने की बात कही जा रही है। मैं समझता हूँ कि सरकार ने अध्यादेश लाकर निरन्तरता को बनाए रखा ताकि अनुचित हस्तक्षेप रोका जा सके। अब इसके भवन का कार्यालय हो गया है। अध्यादेश लाकर इसकी निरन्तरता को बनाए रखा गया अन्यथा, कभी लोक सभा नहीं थी, कभी यह बिल समय पर राज्य सभा में प्रस्तुत नहीं किया जा सका या कभी प्रस्तुत किया गया, तो इसे पास नहीं किया जा सका आदि, अनेक अड़चनें डाली गईं। यदि अध्यादेश लाकर निरन्तरता को बनाए नहीं रखा जाता, तो यह संस्था फिर उन्हीं हाथों में पहुंच जाती जिन हाथों में पहुंचकर इसका यह खस्ता हाल हुआ।

मान्यवर, वहां बहुत गंदगी पाई गई, टायलेट साफ नहीं थे, तारें टूटी पड़ी थीं, दीवारें गिर रही थीं। बिजली की तारें टूटी होने से यदि आग लग जाती, तो भवन जलकर

राख हो जाता। दीवारें गिर रही थीं। वहां खाली बोतले पाई गईं। वे खाली बोतलें भी एक विशेष प्रकार की थीं। उससे आप अनुमान लगा सकते हैं कि वहां कैसे कुकृत्य होते थे। राष्ट्रीय महत्व की संस्था की ऐसी विकृति हो रही थी, जिसका वर्णन करना कठिन है। इस राष्ट्रीय महत्व की संस्था को सरकार ने अपने हाथों में लेकर, इसके गौरव को बढ़ाने के लिए, इस संस्था की मरम्मत करने के लिए, इस संस्था को पुनरुज्जीवन प्रदान करने के लिए, इस संस्था के महत्व को बनाए रखने के लिए सरकार ने इसे अपने हाथ में लेने का जो काम किया है उसके लिए मैं सरकार को बधाई देना चाहता हूं।

इसके लिए आपको भी धन्यवाद और आभार व्यक्त करना चाहिए। अगर बिजली के तार वगैरह ठीक नहीं करवाए जाते तो वहां की तारों में आग लग सकती थी। वहां बीसों सालों से बिल्डिंग की मरम्मत नहीं हुई थी। यह कहते हैं कि किराए का इतना पैसा आया, दस हजार रुपये, इन्होंने खुद स्वीकार किया कि किराए देते थे। मैं जानना चाहता हूं कि किराए के पैसे का क्या उपयोग किया गया? No staff member was present. No salaries were disbursed. Is this the way of its functioning? क्या यही काम करने का तरीका है? स्टेज, मंच, हॉल सब विकृत स्थिति में आ गए थे। लाइब्रेरी से कई पुस्तकें गायब हो गई थीं। Asians Relations Conference, 1947 जो बहुत रेयर किताब है, वह उसमें से गायब पाई गई। बाद में पता लगा कि कुछ लोगों ने उसे इधर-उधर बेच दिया। पहले भी राष्ट्रीय महत्व की पुस्तकें जे.एन.यू. में भेजी गईं। बाद में जब उन्होंने कहा कि हमें मुआवजा दीजिए तो सरकार ने उस समय दो लाख रुपये मुआवजा भी प्रदान किया और बाद में वापिस उन किताबों की व्यवस्था वहां करवाई गई।

मैं आपका थोड़ा संरक्षण चाहूंगा क्योंकि जो आरोप लगाए गए हैं, उनका उत्तर देना मेरा कर्तव्य है। यह कहना कि इसकी ग्रांट भी बंद कर दी, ठीक नहीं है। ग्रांट मिल जाती थी लेकिन when the grant was misused और जब कई वॉ से ऑडिट नहीं हुआ, हिसाब पेश नहीं किए गए, जैसा सार्वजनिक संस्थाओं में होता है, ऐसी अनियमितताएं होने के कारण, हिसाब में गोल-माल होने के कारण, कुछ लोगों की जेब गर्म होने के कारण, भ्रष्टाचार पनपने के कारण इस राष्ट्रीय महत्व की संस्था को सरकार ने अधिगृहीत करने का निश्चय किया, इसके लिए मैं सरकार को पुनः बधाई देना चाहूंगा।

इन्होंने कहा कि कोर्ट में गए। जब यह मामला पंजाब और हरियाणा हाई कोर्ट के अंदर गया तो कोर्ट ने कहा कि फैसला बाद में देंगे लेकिन लोक सभा में बिल पेश किया जा सकता है और सरकार इस व्यवस्था के लिए आर्डिनेंस, बिल वगैरह लाकर समुचित व्यवस्था कर सकती है। इस बारे में स्वयं कोर्ट का निर्णय है। ऐसी स्थिति में मैं समझता हूं कि इस संस्था के लिए सरकारी संरक्षण बहुत आवश्यक है। इस संस्था की सोसायटी सोसाइटीज रजिस्ट्रेशन एक्ट, 1860 के अन्तर्गत 1943 में रजिस्टर हुई थी और काउंसिल का उद्देश्य भारतीय और अन्तर्राष्ट्रीय मामलों के अध्ययन को संवर्धित करना था। इसलिए उन उद्देश्यों की पूर्ति के लिए, इसे विश्वविख्यात संस्था बनाने के लिए, अध्ययन और अनुसंधान करने के लिए, उत्कृष्ट सुविधा प्रदान करने के लिए एन.डी.ए. की सरकार इस विधेयक को लाई है, इसलिए मैं इसका पुरजोर समर्थन करता हूं।

SHRI RUPCHAND PAL (HOOGLY): Mr. Chairman, Sir, the hon. Minister has explained the situation, particularly the background in which the Bill was brought forward. He has elaborated how, because of some constraints, it could not be passed in the other House and also how the Ordinance lapsed, etc. The aim of the Bill is something that is to be welcomed that it is going to be declared as an institute of national importance and it is proposed to be made broad-based.

The prestigious institution - set up in the early 40s by eminent people like Pandit Nehru, Pandit H.N. Kunzru, Prof. Zaqir Hussain and many others - has come to such a pass that deplorable condition is prevailing in almost all areas, including the very rich library. It is a sad commentary on the management or rather, what should be called, the mismanagement during the last several years.

It is true that the Standing Committee met at least on three occasions between 92 and 98 as far as I remember, and had recommended that without further loss of time, the Government should act and if necessary take it over; give it the right shape and right direction and restore its lost prestige, honour and glory. There cannot be any dispute about that.

The hon. Minister was reading out the recommendations of the Committee, "the Committee feels that it is high time that ICWA was salvaged and resurrected as an autonomous institution of national importance before it is too late." I am sorry to say that the idea of autonomy to the Government has reached such a pass that we cannot but be worried about the intention of the Government. If you look at the track record of this Government, what happened in the Indian Council of Historical Research, world renowned historians have been removed and RSS people have been planted there with a hidden agenda to disseminate their distorted version of Hinduism or what has been aptly described as political Hinduism.

This is not limited to Indian Council of Historical Research, in the Indian Council of Social Science Research, their own man, Prof. M.L. Sondhi, has made a public statement, "That I belong to their philosophy broadly, but because I wanted to run it with some sort of independence, they are not ready to tolerate". This is true about many other institutions, educational institutions, University Grants Commission, National Council of Education, Research and Training, Advanced Studies Centre and everywhere. Political appointments with RSS background are only being selected and put at key posts in culture, education and everywhere. That is our apprehension.

When the Government or the hon. Minister says that they wanted to make it an institution of national importance, there cannot be any dispute about that, but what they want to do is very clear by its composition that is proposed. What is the composition? It will be a Government-driven body of mostly nominated persons. It will be an appendage of the Ministry of External Affairs. But in other countries, like America, Britain, Japan, such bodies are used as a think-tank and they are independent bodies. They contribute to the thinking of the Government. They supplement, complement and if necessary they oppose and criticise also. There lies their credibility.

15.34 hrs.

(Shri Devendra Prasad Yadav *in the Chair*)

When we are entering a new stage of track two diplomacy, people to people contact, at such a situation, this is an urgent step required that this should be given such independence. It will earn the honour, faith and it will have the credibility. It will go beyond the borders of this particular land. It will earn the trust of other people also to develop the people to people contact, cultural contacts, and track two diplomacy.

But what is being done here is that the Council will be mostly have nominated persons by the Government, except four Members from the Lok Sabha and three from the Rajya Sabha. I would have been very happy to support this measure that from mismanagement, we want to restore a healthy atmosphere.

I fully agree with what you say. I fully agree that the mismanagement had led to such a situation that horrible corruption could take place. This prestigious institution has all the important documents in connection with the Non-aligned Movement. It has very important documents in relation to foreign affairs. When the Jawaharlal Nehru University Delhi of International Affairs was set up, its library was given some amount for acquisition of certain number of books. I am not sure about the number and it may be one or two lakh or something. If the prestige it held because of the association of great eminent people is to be restored, then a broad-based body, a truly autonomous body and not a nominated body will have to be set up.

15.36 hrs.

(Mr. Speaker *in the Chair*)

I think, the Government is not thinking in that line. The Government should reconsider their decision if it is to be given proper autonomy and proper independence and not to be considered as an appendage of the External Affairs Ministry. The External Affairs Minister is the President of the Governing Body. The Government will nominate the Director-General. Most of the members, including the Financial Advisor, are all from the External Affairs Ministry. What is the use of having this body? You can have anybody in the Advisory Body to the Government. You do have so many other bodies. There are Analysis Studies, Pacific Studies, Indira Gandhi Awards Body, etc. You do have the Indian Council of Cultural Relations. You do have so many other bodies. This body, as a think tank, should be given independence because the academicians, former diplomats and many research workers are ready to contribute to this independent body. They will never toe your line. They may not agree with so many things and they may agree with certain things. Naturally, I think, independence is not being ensured.

There is Prasar Bharati. At the time when Prasar Bharati was set up, we had given our suggestions for having real autonomy. You have to earn the credibility through such mechanism. You can set up a body for research. Independent people will not surrender themselves. They will never like to toe the line of the Government. We will have to find out the reputed persons who are respected internationally and put them in this body. We require an independent body and not the nominated people of this Government.

Although the Standing Committee has recommended it, the spirit of the recommendation has been left out and the very purpose for which the steps are being taken will be broadly spoiled because of its composition. In the present form, it cannot be accepted.

So, I oppose this Bill with the suggestion that let it be reconsidered and later on, after having a full discussion and taking into consideration the views of all the sections of the House, we can enrich this Bill so that autonomous body of national importance can be set up.

SHRI M.V.V.S. MURTHI (VISAKHAPATNAM): Mr. Speaker, Sir, I rise to support the Indian Council of World Affairs Bill, 2001, not totally on the ground of merits of the Bill but because it is doing something good from the worse.

SHRI A.C. JOS (TRICHUR): It is because you are supporting the Government.

SHRI M.V.V.S. MURTHI : It is not like that. For the past two decades or so, the institution has lost not only its lustre but also it was totally destroyed. For namesake only, the Indian Council of World Affairs is existing there. If you go into the affairs of that, it is totally in disarray. It is not to the liking of any Member. If any Member wanted to visit the library, he cannot sit there even for about 10 minutes. The institution was well-thought out by the statesmen and by the people of eminence of the country, like Pandit Jawaharlal Nehru, Sir Radhakrishnan etc. They were all eminent people. They all thought about it. They wanted to make it truly a world body of think tank, which can cater to the needs of various researchers on various subjects, which will be useful to uphold democracy on the proper lines. A think tank is required. A proper body is required. An independent body is required to have a check on the Government, to advise on various issues and also to participate in the world forums.

But unfortunately the affairs have been deteriorated over a period of time. It became a pocket institution of a few individuals. Rightly the Government has taken steps. There are no politics in it. However, will the re-constituted Council help maintain its autonomy? That is yet to be seen because in the revised schedule of its Governing Body, hon. Vice-President is made as the President of the institution, and also various members are being nominated. But everybody should not be nominated. There should be some experts on international law and some other economic subjects to make it truly a world class body. A world class library is also required. I do not know to what extent the present library is still intact. If it is required to be revitalised, the hon. Minister has to revitalise it. (Interruptions)

SHRI A.C. JOS : First, you have a look at it. He has invited all of us to go and see it.

SHRI M.V.V.S. MURTHI : We are going to see it. We would love to see this and also see this body is becoming really a world class body. So, ultimately it is these think tanks which are required to uphold democracy and the democratic rights and values. It is improper to say that the Government is taking over this institution only to 'saffronise'. I do not agree with this. These things should not come in the way of it. Today, this Government may be there. Tomorrow, you may come into the Government but you cannot blame each other. So, as far as this institution is concerned, it is improper to say that. What we all are concerned is to maintain this institution as a world class body and also to make it as independent as possible, as autonomous as possible and as good as possible.

SHRI VARKALA RADHAKRISHNAN : Autonomy would come by election and not by nomination.

SHRI M.V.V.S. MURTHI : The hon. Speaker is there in the Governing Body. The Vice-President is there. Both of them can nominate. They nominate only good people and the people who are interested in it. If they wanted outsiders, experts from universities and other areas and researchers to come, let them also come. Today you have only a name. That name is to be retained again and brought to the form of the old glory. So, in this effort, we support you. But at the same time, there should not be any laxity on the part of the Government. Three Ordinances have been issued for a Bill because you yourself have not thought that this is a very important Bill. Otherwise, you would not have made it lapsed in the Rajya Sabha. If it is some other Financial Bill, if it is some other important Bill, at that time you would have taken the care. Having made it lapsed the first Ordinance in the year 2000, you have issued another Ordinance very hurriedly. Again that was lapsed and you have again issued the third Ordinance of 2001. So, these things will create some sort of confusion in the minds of all of us.

The Government should be aware of these situations. There should not be any laxity in future. The Bill had already been passed by this House and there was otherwise no need to discuss this Bill. Today, we are wasting our time. However, since it is a laudable and good cause, all of us agree and support the Government heartily. They have to make it a world-class institution for all of us to appreciate.

डॉ. रघुवंश प्रसाद सिंह (वैशाली) : अध्यक्ष महोदय, माननीय मंत्री जी भारतीय विश्व मामले परिषद् विधेयक लेकर आये हैं, जिसमें बताया गया है कि यह संस्था 1943 में महान् लोगों के द्वारा बनाई गयी थी और इसका गठन विश्व मामलों से संबंधित अध्ययन और प्रचार के लिये किया गया था। कुछ ही वर्षों में यह संस्था विश्व-विख्यात हो गई लेकिन 1981 से इसकी हालत खराब हुई और 2000 तक आते-आते गिरावट पर आ गई। चूंकि यह विश्व-विख्यात संस्था थी, इसलिये इसे राष्ट्रीय महत्व का बनाने के लिये यह अध्यादेश लाया गया है। यह अध्यादेश एक बार नहीं, तीन बार लाया गया है।

अध्यक्ष महोदय, श्री भाटिया जी ने जो सवाल आर.एस.एस. के लोगों को शामिल किये जाने का उठाया, मुझे भी शंका हो रही है कि इसमें कोई पेंच है। नियम-7(1) में कहा गया है :

" 1 सितम्बर, 2000 से ही और उप-धारा-2 के अधीन तारीख के नियतन तक परिषद् में निम्नलिखित सदस्य होंगे, विदेश मंत्री उसके पदेन अध्यक्ष होंगे और उपाध्यक्ष उसके सदस्य नियुक्त करेंगे। "

अध्यक्ष महोदय, उसके बाद फिर क्लॉज-2 में लिखते हैं:

" ऐसी तारीख से ही, जो केन्द्रीय सरकार द्वारा राजपत्र में अधिसूचना द्वारा नियत की जाये परिषद् में निम्नलिखित सदस्य हो जायेंगे। "

अध्यक्ष महोदय, उप-राष्ट्रपति जी, अध्यक्ष जी, उप-सभापति जी सदस्यों के नाम भेजेंगे। इसके लिये क्लॉज-2 में लागू होने के लिये तिथि, जब मन में आयेगी, तय कर देंगे। यह इतना बड़ा छल और पेंच होगा। क्लॉज-1 में विदेश मंत्री अध्यक्ष होंगे और क्लॉज-2 में उपाध्यक्ष उसके सदस्य नियुक्त करेंगे - यह कैसा कानून है? इसके बाद क्लॉज-3 देखा जाय जिसमें लिखा है:

" खण्ड क, ख, ग, च, छ और ज में किसी बात के होते हुये भी, इस अधिनियम के अधीन ऐसी पहली नियुक्ति, चयन या नाम निर्देशन केन्द्र सरकार के द्वारा किया जायेगा "

अध्यक्ष महोदय, यह कितना बड़ा पेंच है। क्लॉज-1 में अपने हिसाब से चलेगा।

क्लॉज 2 के लिए इन्हें पूर्ण अधिकार हैं कि कब यह तिथि सुनिश्चित करें और तिथि सुनिश्चित होने के बाद, जो इनके मन में आयेगा, किसी भी बात के होते हुए सब काम केन्द्रीय सरकार करेगी। अब मामला साफ हो गया, भंडाफोड़ हो गया कि आर.एस.एस. की जो शंका जाहिर हो रही है कि आर.एस.एस. इस संस्था को खत्म कर

रही है, वह इससे स्पष्ट हो गया है। सब लोग सम्पूर्ण बिल को देखते नहीं हैं कि इसमें कहां-कहां पेंच हैं। **â€(b)व्यवधान)**

संचार मंत्रालय में राज्य मंत्री (श्री तपन सिकंदर) : आप लोग आर.एस.एस. का ज्यादा प्रचार कर रहे हैं।

डॉ. रघुवंश प्रसाद सिंह : जब सरकार के हाथ में यह संस्था नहीं थी तब विश्वविख्यात थी, अब ये अपने हाथ में लेकर इसे राट्र में विख्यात कर रहे हैं। आप ऊपर जा रहे हैं या नीचे जा रहे हैं। सरकारी संस्थानों के बारे में कहते हैं कि उनका डिसइनवैस्टमेंट करिये, प्राइवेटाइज करिये, उन्हें बेच डालिये, लेकिन इसमें आपको पैसा मिलने वाला नहीं है। यही होगा कि जितने आर.एस.एस. के प्रचारक हैं, जो पैन्ट पहनकर डंडा लेकर इधर-उधर घूम रहे हैं, सबको इसमें डाल देंगे। यही आपका इसमें निहित स्वार्थ हो सकता है। **â€(b)व्यवधान)**

श्री दिलीपकुमार मनसुखलाल गांधी (अहमदनगर) : आपको सपने में भी आर.एस.एस. दिखता है।

डॉ. रघुवंश प्रसाद सिंह : पंडित जवाहर लाल नेहरू ने इसे शुरू किया। गुरु तेग बहादुर, सप्रू, कुंजरू आदि कई महान लोगों के समय, आजादी की लड़ाई के समय, 1947 में यह संस्था शुरू हुई। जब यह संस्था सरकार के हाथ में नहीं थी तब विश्वविख्यात हो गई।

अध्यक्ष महोदय : आप बिल के बारे में कुछ नहीं बोल रहे हैं। इसे पास भी करना है, टाइम ज्यादा नहीं है।

डॉ. रघुवंश प्रसाद सिंह : सरकार ने कहा है कि 1981 से इसमें गिरावट आने लगी - इसका क्या आधार है, सरकार को इसकी जानकारी होनी चाहिए। क्या किसी निपक्ष समिति ने इसकी जांच की। आज यह किस आधार पर कह रहे हैं कि 1981 से गिरावट आने लगी। इसका आधार बतायें, इसे स्पष्ट करें। सुओ-मोटो अपने मन से कह रहे हैं। तमाम शिक्षाविद्, जानकार लोग, छात्र और शिक्षक लोग उससे कट गये, उनके कटने का क्या कारण है। यह विश्वविख्यात संस्था थी, इसमें कैसे गिरावट हुई। इसका भेद आपको बताना चाहिए था। यदि आपने दावा किया है कि इसमें गिरावट आ गई, गिरावट के लिए आपका क्या आधार है, आपने दावा किया है कि इसमें गिरावट हुई है या सरकार में जाने के बाद आप इसका सरकारीकरण करना चाहते हैं। इसका नाम सरकारीकरण नहीं दिया है, लेकिन क्लाज देखने से समझ में आता है कि इसका सरकारीकरण क्या भगवाकरण होगा। क्या उस हालत में इसमें गिरावट नहीं होगी, क्योंकि अनेक सरकारी संस्थान गिरावट में जा रहे हैं। आप इसे प्राइवेट क्षेत्र में दे दीजिए, यह सरकार में ठीक नहीं है। यह सरकार ने कैसे कहा। इसलिए इन सब बातों को साफ करने की जरूरत है। अन्यथा भाटिया जी और श्री रूप चन्द्र पाल जी ने ठीक सवाल उठाये हैं और संदेह जाहिर किये हैं कि इसमें सरकार का उद्देश्य पवित्र नहीं है और जिन बातों के चलते इस संस्था का उदय हुआ था और जो रिपोर्ट हमें देखने को मिलती है उसके अनुसार सरकार ऐसा करने पर क्यों उतारू है, इसे खराब क्यों करना चाहती है।

विदेश विभाग इनका है और विदेश विभाग के कर्मचारी और अधिकारी इसे देखेंगे। आपके विदेश विभाग में सहमति होगी कि इस संस्था से विश्वभर में हमारी नीतियों का प्रचार होगा, हमें जानकारी मिलेगी। इसलिए इन सब बातों में बहुत शंका है और इन्हें स्पष्ट करने की जरूरत है। हमारी समझ में आता है कि यह इसमें गड़बड़ करने वाले हैं, इन्हें ऐसा करने से रोका जाना चाहिए।

SHRI JAG MOHAN : Sir, I would be very very brief because I have already made the main points and brought certain facts on record of this House.

A point has been made that I was very vocal and very much against a particular person. I think this presumption is totally wrong. I may have spoken with some passion and some conviction. That is all I would request. I never named anybody. I have no personal grudge against anybody. I have only said what is on the record.

My distinguished friend Shri R.L. Bhatia has said that there are no dues. After the Government took it over, a special audit was ordered by me as the Chairman of the Reconstruction Committee.

What has the Audit reported? The amount of Rs. 10 crore is due from this institution. For land, about Rs. nine crore are pending. Then, building already stands re-entered. An amount of Rs. 1.5 crore is due to NDMC from this institution. There are so many things in the whole list of the Audit Paragraphs, including Rs. 16,000 to be paid to a *halwai*. All that I am saying is that there are 16 serious Audit Paragraphs involving defaultation of amounts which are being investigated, apart from the serious loss of books and valuable documents. So, the issue is that we should go by records and if the things were so good as Shri Bhatia was painting, then what was the necessity of the Standing Committee unanimously recommending, not once but three times, and what was the necessity of all those notes which I have read from Shri Rajiv Gandhi's time and Shri V.P. Singh's time?

What was the Bill that was brought at that time? Our Bill is far more liberal than the Bill that was brought in 1990. There is no mention of any Member of Parliament. There is no mention of any Vice-President. What we recommended and what is contained in this Bill is not something that will result in saffronisation taking place. I am surprised. What does it say? It lays down that there will be so many academicians and two of them will be at least the Vice-Chancellors and the diplomats who have served and who have experience in all these diplomacies. All qualifications are prescribed. This is, therefore, not at all correct to say about it.

Dr. Raghuvansh Prasad Singh said about the interim Council. What is the interim Council? He said it is like the Central Government for the interim and later on we have brought in the Vice-President etc. What is the interim Council which we have nominated? It consists of Shri Hamid Ansari, Vice-Chancellor, Aligarh Muslim University; Shri Deepak Nayyar, Vice-Chancellor, Delhi University; former Ambassador, Shri Syed Shahabuddin; Dr. Jayant Kumar Ray; Justice R.S. Pathak; Dr. Nirmala Joshi from the prestigious University of Delhi; Dr. Rakesh Mohan; Shri Raja Mohan; Shri Bhuvnesh Chaturvedi; Shri Syed Naqvi; Shri Y.K. Alagh; Shrimati Y. Sondhi. What type of apprehensions were expressed and what are the facts! Therefore, my point is that you have to read the facts before we could make any such thing. I have already placed the Standing Committee photos. I am prepared to take

you to the house there and show all the things there.

What I say in the end is that the real issue is whether you would like to place the affairs of the Indian Council of World Affairs in the hands of a Governing Body which is headed by the Vice-President of India and the Chairman of the Rajya Sabha by virtue of his office and on which there is a permanent representation of two august Houses – five hon. Members of Lok Sabha and three hon. Members of Rajya Sabha – and which has a trusted arrangement through a combination of election and nomination to have on it eminent Vice-chancellors of the Universities, intellectuals, experienced diplomats, scholars and experts in international relations and economics, or you would like it to be kept in the clutches of the coterie of a small-time politicians who hijacked it for 20 years, resorted to subversion of its constitution, fraudulent enrolment of members, manipulation of accounts and large-scale violation of lease agreement and municipal bye-laws, and whose only contribution was to reduce a great and glorious institution, a seat of learning and research and an avenue of intellectual advancement of the country to the level of a Punjabi *mandwa*. I am ashamed even to read what is the plight of *mandwas*.

What was the legacy? The legacy was an amount of Rs. 9 crore due to the Government, over Rs. one crore due to NDMC, a decaying building, a deserted library, a demoralised and disgruntled staff, a catalogue of disgraceful dramas, financial irregularities, fraudulent manipulation and enrolment, and a near dead institution.

Now, all that I want is that in view of these facts which I have mentioned, I strongly commend that this Bill be passed.

MR. SPEAKER: Shri Radhakrishnan, please take only one minute.

16.00 hrs.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): I have raised mainly two points. The first thing is regarding the constitutionality of promulgating an Ordinance thrice, with particular reference to Dr. D.C. Wadhwa's case, which was decided by a Full Bench of the Supreme Court in 1987. He has not answered that, and that is still there. I think, he cannot answer that and nobody else can answer that because the Supreme Court's decision is final.

Then, again, to prove his *bona fides*, I asked the Government as to what prevented them from resorting to article 108 of the Constitution, according to which, if one House has passed the Bill and the other House is not doing it, then the Government can advise the President to call for a Joint Session to get the Bill passed, and they should not resort to emergency provisions of the Constitution. They have resorted to emergency provisions.

Thirdly, will the situation change? We have passed the Bill once, then we will be asked to pass it the second time, the third time, and we will be discussing the Indian Council of World Affairs Bill till the conditions of the Rajya Sabha are met. Is it a classroom? Is it not a mockery that a Bill is discussed and passed twice or thrice? It is unheard of in parliamentary history. We are doing that process. Our solemn pledge, our parliamentary duty is to legislate, and that legislative process has become a mockery because of this action. When we have passed the Bill once, it is very, very unfortunate that we are being asked to pass the same Bill for the second time.

MR. SPEAKER: I think, the Minister has replied to this point

SHRI VARKALA RADHAKRISHNAN : We are setting a very bad precedent. My learned friend has not answered any of these points. He told us that all the members of the Executive Council are nominated, that there are five Members from the Lok Sabha, three Members from the Rajya Sabha and some Vice-Chancellors. Will it change or will it alter the conduct of the institution? He has not answered that. Moreover, it is very pertinent to mention that he was a member of the same body for a long time. Now, he is pleading that the present institution is out of order because of doing all those things. What was he doing all those days? Did he object to it? He was a member of that Executive body. He was keeping silent. He was also in the Committee when all this alleged mischief took place. We do not know whether he was a silent spectator or an active participant. Now, all of a sudden, he comes before us and says, "Please vote for this thing."

I am sorry to say that he has not replied to my points. I am extremely sorry that you are creating a very bad precedent in the history of this House. With these words, I conclude.

MR. SPEAKER: Mr. Minister, do you want to say anything?

SHRI JAG MOHAN: I have already replied that this ruling is not applicable in this case because the Bill was brought

to the Parliament. In that case, the Bill was never brought to the Legislature.

MR. SPEAKER: So, it was already replied.

SHRI JAG MOHAN: I have already replied. The second point is that the Rajya Sabha adjourned not because of any fault of the Government.

MR. SPEAKER: The question is:

"That this House disapproves of the Indian Council of World Affairs (Second) Ordinance, 2001(No. 3 of 2001) promulgated by the President on 8 May, 2001."

The motion was negatived.

MR. SPEAKER: The question is:

"That the Bill to declare the Indian Council of World Affairs to be an institution of national importance and to provide for its incorporation and matters connected therewith, be taken into consideration."

The motion was adopted.

MR. SPEAKER: The House will now take up clause-by-clause consideration of the Bill.

The question is:

"That clauses 2 to 29 stand part of the Bill."

The motion was adopted.

Clauses 2 to 29 were added to the Bill.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

SHRI JAG MOHAN: Sir, I beg to move:

"That the Bill be passed."

MR. SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

MR. SPEAKER: Hon. Members, item no. 19 has been allotted one hour. But this requires just adoption of the report. There is no need to discuss this. It is only adoption of the Resolution.

SHRI BASU DEB ACHARIA (BANKURA): Sir, I have suggestions to make in this Resolution. It could be taken up tomorrow.

SHRI PRAMOD MAHAJAN: Sir, normally this is just adoption by the House.

SHRI BASU DEB ACHARIA : This is done along with the Budget.

SHRI PRAMOD MAHAJAN: You have already discussed the Budget.

SHRI BASU DEB ACHARIA : It is done separately. I have certain suggestions to make in regard to the rate of dividend and all.

SHRI PRAMOD MAHAJAN: This is a unanimous decision of the Committee.

SHRI BASU DEB ACHARIA : But this has to be adopted by this House and so we have the right to make suggestions.

SHRI PRAMOD MAHAJAN: The Committee has already made its unanimous recommendations. Your Party had also been represented in that Committee.

SHRI BASU DEB ACHARIA : Then what is the use of bringing this Resolution to the House?

SHRI PRAMOD MAHAJAN: It has got to be ratified by this House.

MR. SPEAKER: The House has to adopt it.

SHRI BASU DEB ACHARIA : Sir, we can take it up tomorrow.

MR. SPEAKER: This would take just two minutes.

SHRI BASU DEB ACHARIA : Sir, then you allow me to make my submission.

SHRI PRAMOD MAHAJAN: You speak on the Railways in the discussion on the Supplementary Budget. We would not object to it...*(Interruptions)* Sir, we are all ready to hear his speech on disinvestment. We do not want him to disinvest his energy on Railways.
