

Title: Regarding reported allegations levelled by the former Union Law Minister against the Chief Justice of India and Attorney-General.

14.02 hours

The Lok Sabha re-assembled at two minutes

past Fourteen of the Clock.

(Mr. Speaker in the Chair)

SHRI MADHAVRAO SCINDIA (GUNA): Sir, we have raised a serious matter today after Question Hour....(*Interruptions*)

MR. SPEAKER: Can we take it up after Matters under Rule 377?

SHRI S. JAIPAL REDDY (MIRYALGUDA): I gave a notice for adjourning the House....(*Interruptions*)

डॉ. रघुवंश प्रसाद सिंह (वैशाली) : अध्यक्ष महोदय, हाउस एडजर्न होने से पहले उपाध्यक्ष महोदय आसन पर थे। उस समय कार्य मंत्रणा समिति का दस्ता प्रतियेदन आया और नियम 290 के तहत हमारा प्रस्ताव था कि (व्यवधान)

MR. SPEAKER: Shri Madhavrao Scindia, what is your submission? This is not the Zero Hour? As a special case, you can mention it.

SHRI MADHAVRAO SCINDIA : Sir, I would like to say that the Press today is full of reports of very serious allegations being made against the Judiciary and against the Attorney-General by no one else but some one who was a member of the Council of Ministers till three days ago and that too on the basis of what is purported to be confidential and secret documents. This is a very serious matter because it is possible that a confrontation is brewing between the Executive and the Judiciary which is the very basis of our Constitution. We have not raised this issue earlier. We have raised this now because this has come out wholly in the Press. The detail in the Press has become not the property of the House but it has become the property of the nation. This is a matter of great debate throughout the nation now.

The Council of Ministers is accountable to the Lok Sabha. Therefore, after all this has appeared, we want to know from the hon. Prime Minister what is the standpoint of the Council of Ministers in this regard because this is a very unhealthy trend that is taking place. It may hit the very basis of our Constitution. Such serious allegations are being made on what is alleged and purported to be secret and confidential documents. It is a matter of grave concern because it means that secret documents are being allowed to leak from the Government, from the Ministries and, for that, the Prime Minister is directly accountable. Therefore, we would like the atmosphere to be cleared. We would like to allow him to clarify the position of the Council of Ministers in this regard so that we can know exactly what are the true facts of the case. If the facts are correct, what action is the Government going to take to ensure that this unhealthy trend is arrested and put a stop to it? ...(*Interruptions*)

MR. SPEAKER: Shri S. Jaipal Reddy to speak now.

...(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I have also given a notice on the very same subject....(*Interruptions*)

MR. SPEAKER: I have already called Shri S. Jaipal Reddy.

SHRI SUDIP BANDYOPADHYAY (CALCUTTA NORTH WEST): Sir, we will have to be allowed two minutes to speak.

MR. SPEAKER: First of all, you take your seat.

SHRI SUDIP BANDYOPADHYAY : We will take our seats. But the point is that eleven persons have been killed at two of the Clock in the village *Khujutipara* which comes under Nanur P.S limits of Birbhum District....(*Interruptions*) We should be allowed to speak after Shri Jaipal Reddy.

SHRI S. JAIPAL REDDY : Mr. Speaker, Sir, the House and the nation has been witnessing a strange spectacle during the last few days which has no parallel or precedent in the history of free India. A few days back, allegations between the Attorney-General and the then Law Minister were flying thick and

fast.

We exercised extraordinary restraint. We did not raise the issue. Today the situation has assumed a qualitatively different dimension. Newspapers have carried allegations not only against the Attorney General, who is the seniormost respected law officer, but also against the Chief Justice of India. This Government has pushed the country into a constitutional crisis. The country is witnessing a confrontation between the Executive and the Judiciary. I do not have to add that the Council of Ministers receives its mandate, its authority from this House. The Prime Minister owes his existence to this House. This is a matter relating to the Minister and therefore, the Prime Minister owes explanation.

As Shri Madhavrao Scindia has rightly pointed out the whole nation is concerned about this. We cannot be indifferent to this. The House cannot be a salient spectator. Therefore, you will have to direct the Government to make a specific statement. This is a substantive issue of supreme importance. Therefore, all other businesses must be adjourned until the Prime Minister comes and clarifies the matter.

MR. SPEAKER: Shri Varkala Radhakrishnan, do you want to raise the same matter? They have given the notices in the morning. That is why, I have allowed them.

...(Interruptions)

SHRI BASU DEB ACHARIA (BANKURA): It is a very serious matter. ...(Interruptions)

SHRI VARKALA RADHAKRISHNAN : I have also given notice. ...(Interruptions)

MR. SPEAKER: Shri Radhakrishnan.

...(Interruptions)

SHRI BASU DEB ACHARIA : I have also give notice. ...(Interruptions)

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): I could not mention it in the morning. It is the very same fact. ...(Interruptions)

It is a rare occasion in the history of India that a situation has arisen that the former Law Minister of India is casting certain aspersions against the Chief Justice of India and it is now in the newspapers. The Hindustan Times even reported it as a front-page news making very serious allegations against the Chief Justice of India. Even the democratic set up of our country is in peril. The allegation is so fierce that even against the common man such an allegation can be made.

Another question is that the allegation is made against the legal luminary, Shri Soli Sorabjee. Against him also, Shri Ram Jethmalani has made certain allegations. This is the rarest of all allegations so far known to history and we cannot remain silent spectators. Ours is a parliamentary democracy. We should respect the head of the Judiciary; we should respect the head of the Executive; and we should respect the head of the Legislature. These are the three important pillars of the country and they will have to respect them. They are the pillars of the Constitution. You are also a pillar of the Constitution.

So, I would suggest that since this being a very serious matter, the Prime Minister should come before the House to explain the position. The former Law Minister cannot come here to make a statement. He is not a Member of the House. So, the Executive should make a statement. The former Law Minister can make a statement in the other House if he so desires. But in Lok Sabha, it is only the Leader of the House who can make a statement. I sincerely and earnestly request the Parliamentary Affairs Minister to apprise the Prime Minister of the situation and make an appraisal to this House and explain what actually transpired in the so-called allegations against the Chief Justice of India and the Solicitor General.

SHRI BASU DEB ACHARIA : The Prime Minister owes an explanation to the House. The way the allegations are being made by the former Law Minister, this has never happened. The way the Chief Justice of India and the Supreme Court is being criticised outside, the debate is also going on outside, the statements are coming but the House is not being taken into confidence.

Our demand is that the Prime Minister should come and explain the position. This is a very serious situation. This has never happened. So, our demand is that the Prime Minister should come and apprise the House on this matter. ...(Interruptions)

SHRI P.H. PANDIYAN (TIRUNELVELI): Mr. Speaker, Sir, I may be permitted to make a submission on

behalf of my party.

Sir, we have seen in a section of the Press this morning that a serious confrontation is going on between the Executive and the Judiciary. Three days back, the ex-Law Minister had come out with a statement that there is a M.S. Shoes scandal. ...(*Interruptions*)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): Mr. Speaker, Sir, my ex-ally should understand that the ex-Law Minister might have made a statement. The Law Minister has made no statement on this issue.

SHRI MADHAVRAO SCINDIA : Mr. Speaker, Sir, Shri Ram Jethmalani resigned as the Law Minister three days ago and he has made a statement based on confidential and secret papers that he had access to as the Law Minister. This is how it has come out in the Press and if the Parliamentary Affairs Minister wants to make light of it, I am extremely worried about the future of Indian democracy. ...(*Interruptions*)

SHRI P.H. PANDIYAN : Sir, there was an exchange of words in a section of the Press between the Attorney General and the ex-Law Minister on the M.S. Shoes scandal. We do not know the details. Shri Ram Jethmalani has made an allegation against the Chief Justice of India. The Government was able to answer about it this morning in the other House. But we should have the first-hand information. This is the House of the People. The Lok Sabha should be informed first. It is representing the people. It is the sovereign will of the people. We are directly elected by the people. We are the representatives of the masses. So, the Prime Minister or a responsible member of the Government ...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Only the Prime Minister should come. ...(*Interruptions*)

SHRI P.H. PANDIYAN (TIRUNELVELI): Sir, the Prime Minister should appear in the Lok Sabha; he should come to the Lok Sabha.

SHRI S. JAIPAL REDDY (MIRYALGUDA): Mr. Speaker, Sir, 'PM' does not mean Shri Pramod Mahajan !

SHRI P.H. PANDIYAN : Sir, the Prime Minister should come to the Lok Sabha and he must make an explanation regarding the resignation of the former Law Minister. So far, we have not heard anything about the reason behind his resignation. ...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : He said, it is a conspiracy.

SHRI P.H. PANDIYAN : What is that conspiracy? That must be explained before this House. This House is being taken for a ride. This House has not been taken into confidence. The Government is using this House only for the purpose of ratification. That is the attitude of the Government. When high constitutional dignitaries are involved in an exchange of war of words, the whole country is watching. The legal fraternity is watching. The Chief Justice of India is the head of the legal fraternity.

Mr. Speaker, Sir, you may direct the Prime Minister to appear before this House and satisfy this House. There must be a direction from you. We have a coalition Government. We do not know what is the attitude of the NDA partners on this issue. ...(*Interruptions*)

SHRI VIJAY GOEL (CHANDNI CHOWK): It is a non-issue.

SHRI P.H. PANDIYAN : Is it a non-issue? The name of the Chief Justice of India has been dragged into this issue.

So, the Speaker may direct the Prime Minister to come and give an explanation to this House as to what led to the resignation of Shri Ram Jethmalani as Minister of Law. There must be a detailed inquiry into that incident.

SHRI PRIYA RANJAN DASMUNSI : The Prime Minister must come to the House. ...(*Interruptions*)

MR. SPEAKER: Nothing should go on record.

(*Interruptions*)*

14.16 hrs

(At this stage, Shri Sudip Bandyopadhyay and some other hon. Members

came and stood on the floor near the Table.)

MR. SPEAKER: You please go back to your seats. I will call you.

...(Interruptions)

MR. SPEAKER: No, no; please resume your seats.

...(Interruptions)

MR. SPEAKER: Please go back to your seats.

14.17 hrs

(At this stage, Shri Sudip Bandyopadhyay and some other hon. Members went back to their seats.)

MR. SPEAKER: Is there anything from the Government side on this issue?

...(Interruptions)

MR. SPEAKER: Please take your seats.

...(Interruptions)

MR. SPEAKER: You have raised a matter. Now, what is the response from the Government?

...(Interruptions)

*Not Recorded.

MR. SPEAKER: First of all, hear what he says.

...(Interruptions)

SHRI BASU DEB ACHARIA : No, Sir. The Prime Minister should come and explain it. Only the Prime Minister owes an explanation to the House....(Interruptions)

MR. SPEAKER: Let us hear what he says.

SHRI PRAMOD MAHAJAN: Sir, sometimes I feel that I should have the same command on English as Shri Jaipal Reddy has so that one could dramatise the situation....(Interruptions)

SHRI BASU DEB ACHARIA : Dramatise what? Sir, he should withdraw these words. ...(Interruptions)

MR. SPEAKER: Let him complete.

HRI BASU DEB ACHARIA : He will have to withdraw these words. ...(Interruptions)

MR. SPEAKER: Let us hear him first.

...(Interruptions)

MR. SPEAKER: Take it seriously.

SHRI PRAMOD MAHAJAN: Sir, I am taking it seriously. He said on the floor of the House that there was a confrontation between the Executive and the Judiciary. It is absolutely not true. ...(Interruptions)

MR. SPEAKER: No, no; this is not proper. Let him complete.

...(Interruptions)

SARDAR BUTA SINGH (JALORE): The issue is very serious.

SHRI P.H. PANDIYAN : Let the Prime Minister come and answer.

...(Interruptions)

MR. SPEAKER: No, no; I have called the Minister of Parliamentary Affairs.

SARDAR BUTA SINGH: He should know that this is Parliament. This is not the way.

MR. SPEAKER: No please.

...(Interruptions)

MR. SPEAKER: Shri Buta Singh, please take your seat.

...(Interruptions)

SARDAR BUTA SINGH : Mr. Speaker Sir, you must control him...(Interruptions)

SHRI PRAMOD MAHAJAN: Sir, the impression should not go in the country that there is any kind of confrontation between the Executive and the Judiciary...(Interruptions)

SHRI MADHAVRAO SCINDIA : Sir, this is a very important issue. We want a clarification from the Prime Minister...(Interruptions)

MR. SPEAKER: I have called the Minister of Parliamentary Affairs. Let him reply first.

...(Interruptions)

SHRI MADHAVRAO SCINDIA : Sir, this matter involves confidential papers. We want to have a reply from the Prime Minister only...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : Sir, the hon. Minister of Parliamentary Affairs may tell the time when the hon. Prime Minister is going to reply...(Interruptions)

MR. SPEAKER: Let him complete first.

...(Interruptions)

SHRI PRAMOD MAHAJAN: Sir, I am replying because it was mentioned and I did not want this impression to go...(Interruptions)

SHRI BASU DEB ACHARIA : Sir, he should inform the House when the Prime Minister is going to reply. We do not want an explanation from him...(Interruptions)

MAJ. GEN. (RETD.) B.C. KHANDURI (GARHWAL): Sir, if he does not want an explanation, then we also do not want his lecture...(Interruptions)

MR. SPEAKER: Shri Acharia, please take your seat. You have raised the point, now let him reply first. I have called him to reply.

...(Interruptions)

SHRI BASU DEB ACHARIA : Sir, we do not want a reply from him, we want a reply from the Prime Minister...(Interruptions)

MR. SPEAKER: I have given him the permission to speak. You can speak after he finishes his reply.

...(Interruptions)

SHRI PRAMOD MAHAJAN: Sir, the Law Minister has resigned...(Interruptions)

SHRI MANI SHANKAR AIYAR (MAYILADUTURAI): Sir, we are not asking whether he has resigned or not...(Interruptions)

SHRI MADHAVRAO SCINDIA : Sir, he should only inform us when the Prime Minister is going to reply...(Interruptions)

MR. SPEAKER: He has not completed.

...(Interruptions)

MR. SPEAKER: If you are not satisfied with his reply, then you can raise your objection.

...(Interruptions)

SHRI BASU DEB ACHARIA : Sir, we do not want an explanation from him...(Interruptions)

MR. SPEAKER: He is the Minister of Parliamentary Affairs. If you are not satisfied with his reply you can raise your objection later. He has not completed. Let him complete first.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : Sir, only the Prime Minister is entitled to reply to this. He is not entitled to reply to our queries relating to Shri Ram Jethmalani's resignation. The Prime Minister is the Leader of the House and only he should inform the House. The hon. Minister of Parliamentary Affairs can only inform about the timings...(Interruptions)

MR. SPEAKER: Let us hear what he says.

...(Interruptions)

MR. SPEAKER: I have called him to speak.

...(Interruptions)

SHRI MADHAVRAO SCINDIA : Sir, this is too serious an issue. We want the Prime Minister to reply to this. He is not the Prime Minister...(Interruptions)

MR. SPEAKER: He is the Minister of Parliamentary Affairs. If you are not satisfied with his reply then you can raise your objections.

...(Interruptions)

MR. SPEAKER: Nothing should go on record.

(Interruptions)*

MR. SPEAKER: Please go to your seats.

...(Interruptions)

MR. SPEAKER: Please go to your seats.

...(Interruptions)

MR. SPEAKER: Nothing will go on record.

(Interruptions)*

MR. SPEAKER: The House stands adjourned to meet again at 4 p.m.

14.26 hrs

The Lok Sabha then adjourned till Sixteen of the Clock.

16.00 hrs

The Lok Sabha re-assembled at Sixteen of the Clock.

(Mr. Speaker in the Chair)

...(Interruptions)

MR. SPEAKER: Matters under rule 377 listed for the day will be treated as laid on the Table of the House.