

Fourteenth Loksabha**Session : 5****Date : 30-08-2005****Participants : Malhotra Prof. Vijay Kumar, Yadav Prof. Ram Gopal, Tripathy Shri Braja Kishore, Dasgupta Shri Gurudas, Swain Shri M.A. Kharabela, Pal Shri Rupchand, Chatterjee Shri Somnath, Ramadass Prof. M.**

Title : Alleged appointment of the wife of the Union Finance Minister as counsel by the Central Board of Direct Taxes.

MR. SPEAKER: I am on my legs, Mr. Madan Lal Sharma. Prof. Vijay Kumar Malhotra, आप एक सैकेंड के लिए बैठ जाइए। हम आपको परमानेंटली बैठने के लिए नहीं कह रहे हैं। Hon. Member Prof. Vijay Kumar Malhotra feels very strongly about some matter. He can raise it. All I wish to say is that let it be discussed in a manner which brings credit to this House. There should be proper decorum and dignity. I will allow you to raise the issue.

प्रो. विजय कुमार मल्होत्रा महोदय, एक बहुत ही गंभीर स्थिति पैदा हुई है और बहुत गंभीर घटना घटी है कि भारत के वित्त मंत्री श्री चिदम्बरम जी की पत्नी...(व्यवधान)

अध्यक्ष महोदय : पत्नी आपकी भी होती है।

प्रो. विजय कुमार मल्होत्रा : उनके अपने महकमे में सेंट्रल बोर्ड आफ डायरेक्ट टैक्सिस की ओर से कोर्ट में पेश हुई। महकमे की तरफ से उन्होंने फीस भी ली और अन्य केसों में भी अपियर हो रही हैं। कल चिदम्बरम जी ने राज्यसभा में एक बयान दिया था, लेकिन लोकसभा में कोई बयान नहीं दिया है। मंत्री जी ने राज्यसभा में कहा कि उन्हें मालूम नहीं था कि ऐसी कोई घटना हुई है।...(व्यवधान)

MR. SPEAKER: You need not refer to the details because the Minister is prepared to make a statement.

PROF. VIJAY KUMAR MALHOTRA : It was a public statement. It was made not only in the other House but also outside that he did not know that this thing was happening. इसका मतलब यह है कि इस बात को उन्होंने स्वीकार किया कि यह गलत काम हुआ है और यह अनुचित है, अनैतिक है और आपत्तिजनक है। यह उन्होंने स्वीकार किया है कि उन्हें मालूम नहीं था कि ऐसी कोई घटना हुई है।

अध्यक्ष जी, दूसरी बात यह है कि उन्होंने यह बात कही कि उन्होंने यह मान लिया है कि यह आपत्तिजनक है। क्या कोई मंत्री यह कह सकता है कि उनके यहां कोई गलत काम हुआ है या भेदभाव हुआ है या इस प्रकार से कोई आपत्तिजनक काम हुआ है और उन्हें इस बारे में मालूम नहीं था? क्या इग्नोरेंस आफ लॉ का कोई एक्सक्यूज़ ह और क्या जनतंत्र में कोई मंत्री...(व्यवधान)

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): मंत्री जी ने जो बातें नहीं कही हैं आप उन्हें एट्रीब्यूट कर रहे हैं। He is attributing to him what he has not said. ... *(Interruptions)*

MR. SPEAKER: The Minister will make a statement. I will allow the hon. Minister to make a statement.

... *(Interruptions)*

MR. SPEAKER: You are not helping the Minister. Please sit down. I am trying to control the House, Mr. Annasaheb M.K. Patil. This is not the way; you are a senior Member. हम कंट्रोल करने की कोशिश कर रहे हैं। आप यहां पर आ कर कीजिए।

You can control your own Members also.

... *(Interruptions)*

MR. SPEAKER: You are not helping the Minister. You are not helping your cause or the Minister's cause by doing this. Let him make a statement.

... *(Interruptions)*

SHRI S.K. KHARVENTHAN (PALANI): She is a Senior Advocate in the Supreme Court. She has appeared a number of times in the Supreme Court on such issues. ... *(Interruptions)*

MR. SPEAKER: The Hon. Minister is competent enough to look after himself.

... (*Interruptions*)

MR. SPEAKER: Will you please sit down? Nothing will be recorded.

(*Interruptions*)* ...

प्रो. विजय कुमार मल्होत्रा : यह कोई मिनिस्टर का काज़ का सवाल नहीं है। यह जनतंत्र का काज़ है। यह यहां की नैतिकता का सवाल है। यह मंत्री जी का सवाल नहीं है।... (ब्यवधान)

MR. SPEAKER: I will start naming people. On the last day, I will have to name some Members.

... (*Interruptions*)

MR. SPEAKER: Unfortunately, we are discussing about somebody who is not present in the House. It is really her conduct which is being put into question. She is not present in the House. Therefore, she cannot answer these questions. There are professional bodies to look into the breach of professional etiquette by members of different professions like doctors, lawyers, engineers, etc. It is for them to really look into this matter: if there is a breach of etiquette on the part of that hon. member of the profession[R4].

However, he wanted to raise it and I allowed him. Shri Malhotra, you have made your point. I will now ask the hon. Minister to reply.

PROF. VIJAY KUMAR MALHOTRA : Let me complete, Sir.

अध्यक्ष जी, मैंने किसी ऐसे व्यक्ति के विरुद्ध, जो इस सदन का सदस्य नहीं है, कुछ भी नहीं कहा है और न मैं ऐसा कह सकता हूं। मैं आपसे यह पूछ रहा हूं कि क्या कोई मंत्री ऐसा कह सकता है कि उसे मालूम नहीं है कि उसके विभाग में क्या भ्रष्टाचार हो रहा है या भाई-भतीजावाद हो रहा है अथवा ये सब चीजें हो रही हैं। क्या कोई मंत्री ऐसा कह सकता है कि उसके विभाग में जो हो रहा है, उसे मालूम नहीं है ? क्या वह ऐसी प्ली ले सकता है कि उसके विभाग में जो हो रहा है, वह उसे मालूम नहीं है ? ... (ब्यवधान)

MR. SPEAKER: He is giving his views. How are you bound by that Mr. Bansal?

श्री थावरचंद गेहलोत अध्यक्ष जी, विभाग और घर, दोनों में, ... (व्यवधान)

अध्यक्ष महोदय : आप बैठ जाइए। You are not helping your leader.

* Not Recorded.

प्रो. विजय कुमार मल्होत्रा : अध्यक्ष जी, मंत्री जी इसका भी जवाब दे सकते थे क्योंकि ऐसे बहुत से केस होंगे, जिनमें इसी प्रकार से, उनकी एपीरिएस उन्हीं के विभाग में हुई होगी। ... (व्यवधान)

MR. SPEAKER: I will give him an opportunity to reply.

प्रो. विजय कुमार मल्होत्रा : बहुत से उद्योगपतियों की ओर से, उन्हीं के विभाग में, उनकी एपीरिएस हुई होगी, उन सबके बारे में उन्हें कोई नॉलेज नहीं है, उनकी जानकारी नहीं है, यह कैसे सम्भव है ? यह उनकी जिम्मेदारी होनी चाहिए कि ... (व्यवधान)

MR. SPEAKER: Shri Sushil Kumar Modi, you will only associate yourself with Shri Malhotra.

श्री सुशील कुमार मोदी अध्यक्ष महोदय, मुझे एक बात और कहनी है।

... (व्यवधान) ... *

MR. SPEAKER: Nothing will be recorded. Sushilji, you are a senior politician. You cannot make any allegation without prior notice to me. Nothing will be recorded.

(Interruptions) ...*

MR. SPEAKER: Shri Kharabela Swain, I have called your name.

Shri Modi, nothing is being recorded. Why are you saying this? I will not allow this type of allegation. It is most improper.

(Interruptions) ...*

MR. SPEAKER: I have not made any comment about him. But he cannot do that without notice.

(Interruptions) ...*

MR. SPEAKER: Nothing will be recorded. Shri Modi, please take your seat. Nothing is being recorded.

(Interruptions) ...*

MR. SPEAKER: Nothing is being recorded.

(Interruptions) ...*

* Not Recorded.

MR. SPEAKER: You would have ordinarily associated.

(Interruptions) ...*

SHRI KHARABELA SWAIN Sir, the CBDT says the proposal for the engagement for the counsel was not submitted to the Finance Ministry. My point is, after all why did the CBDT appoint Shrimati Nalini Chidambaram at all in the first place? Is it just to curry favour with the Finance Minister under whom the CBDT also works?

My second point is, the hon. Finance Minister has said that since 1996 his wife has voluntarily refrained from appearing for and against in any Income Tax Department cases. If that be the case, why did she appear in this case at all.

MR. SPEAKER: She cannot answer your allegation against her.

SHRI KHARABELA SWAIN : The king should be above board. This is a case of impropriety.

MR. SPEAKER: You are asking why did she appear. Can she answer here? श्री अन्नासाहेब एम.के. पाटील, आप अपने मैम्बर को बैठने के लिए कहिए। आप उस समय हमें तो कह रहे थे।

SHRI KHARABELA SWAIN : Let me complete, Sir. I will speak only one sentence.

The last point I would like to make is, it is always said that in Uttar Pradesh most of the cases, Income Tax cases, are being given to Shrimati Chidambaram ...

(Interruptions) ...*

MR. SPEAKER: Nothing more will be recorded.

... (Interruptions)

MR. SPEAKER: Shri Swain, you are only to associate. Please sit down. Thank you very much.

... (Interruptions)

MR. SPEAKER: Hon. Member, I will give an opportunity.

... (Interruptions)

* Not Recorded.

प्रो. राम गोपाल यादव अध्यक्ष महोदय, यह बहुत ही गलत बात है कि अनावश्यक रूप से... (ब्यवधान)

अध्यक्ष महोदय : आप बैठ जाइए।

... (व्यवधान)

MR. SPEAKER: Prof. Ram Gopal Yadav, you address the Chair

... (Interruptions)

MR. SPEAKER: Prof. Malhotra, nobody disturbed you. Prof. Ram Gopal Yadav did not disturb you.

... (Interruptions)

प्रो. राम गोपाल यादव मैं आपके माध्यम से कहना चाहता हूं कि क्या इस देश में किसी राजनीतिक व्यक्ति का संबंधी होना, किसी मंत्री का संबंधी होना और यदि वह व्यक्ति कहीं काम करे तो किसी राजनीतिक व्यक्ति का संबंधी होने के कारण क्या वह डिस्क्वालीफाई हो जाता है। यह जो व्यवस्था है, आप जानते हैं कि यहां पर बहुत से वरिष्ठ वकील बैठे हुए हैं। कोई भी क्लाइन्ट यदि किसी वकील के पास जाता है और एक्ट के हिसाब से यदि वह दूसरी पार्टी का वकील नहीं है तो वह मना नहीं कर सकता है। यदि मैं कपिल सिब्बल जी को एंगेज करना चाहता हूं और मेरे खिलाफ वकील नहीं है। He will have to accept my request. इसलिए मैं कहना चाहता हू कि यह राजनीतिक लोगों का एक-दूसरे के खिलाफ लांछन लगाने से कोई लाभ नहीं होता है। इससे नुकसान ही होता है। इस तरह की बातें यहां उठाने की इजाज़त भी नहीं देनी चाहिए। यह जो बात कह रहे हैं, मैं उससे सहमत नहीं हूं। If a lawyer is very competent, she may be engaged. इसमें कोई गलत बात नहीं है।

SHRI BRAJA KISHORE TRIPATHY Mr. Speaker, Sir, this is against the constitutional propriety. When the Minister takes oath, he takes oath stating that knowingly or unknowingly he would not give favours to anybody. It may be unknowingly done but it is also unethical and immoral. Hence, the Minister should admit it and resign on this issue because this is most immoral. He has taken oath not to give favours to anybody. This is a favour to his wife. ... (Interruptions)

श्री ब्रजेश पाठक अध्यक्ष महोदय, इस सत्र में महिलाओं के मान-सम्मान के लिए, महिलाओं के स्वाभिमान के लिए, महिलाओं की मजबूती के लिए इस सदन में चर्चा हुई थी और सदन के सभी माननीय सदस्य इस बात से सहमत थे

कि महिलाओं के मान-सम्मान की रक्षा होनी चाहिए, लेकिन एक महिला के नाम पर जो इस सदन की सदस्य नहीं है और इस सदन में उपस्थित नहीं है, उसका नाम इस तरीके से घसीटा जाना असंगत और अशोभनीय है।

अध्यक्ष महोदय : प्रो. एम. रामदास, आप सिर्फ एक सन्टेन्स में कहिए।

...(व्यवधान)

PROF. M. RAMADASS Hon. Speaker, Sir, this is.. ... (*Interruptions*)

MR. SPEAKER: Hon. Members, let us hear. He has raised an issue which he thinks is important. Hon. Member was entitled to raise it. Some other hon. Leaders are also giving their views. I have also called Shri Tripathy, who has very forcefully given his views. Others have also given their views. I shall call the Minister. We can sort it out.

PROF. M. RAMADASS : Sir, in my view this is an unwarranted issue that is being debated in Parliament. ... (*Interruptions*)

MR. SPEAKER: Prof. Ramadass, be quick. Conclude in one minute.

... (*Interruptions*)

अध्यक्ष महोदय : आप एक मिनट के लिए बोलेंगे। आप यस या नो कहकर बैठ जाइए।

PROF. VIJAY KUMAR MALHOTRA : आप अपनी ही पोजिशन और खराब कर रहे हैं।...(व्यवधान)

The Minister has said that he does not approve of it. ... (*Interruptions*)

MR. SPEAKER: I will come to the hon. Minister just now.

... (*Interruptions*)

अध्यक्ष महोदय : आप शान्त रहिए। यदि हाउस शांत रहेगा तभी काम सही ढंग से हो सकेगा।

PROF. M. RAMADASS : Sir, I would like to submit that Mrs. Nalini Chidambaram is one of the outstanding lawyers of the country. She is a very competent lawyer, who can be utilised by the Ministry of Finance or by any other Ministry, where her skills and abilities are required. Just because she happens to be the wife of a Minister, her talent should not be wasted. In that case, no politician should have a competent person as a son or a daughter or a daughter-in-law or a wife.

MR. SPEAKER: Shri Rupchand Pal, conclude your speech in one minute.

PROF. M. RAMADASS : Therefore, I feel that the Minister's name should not be unnecessarily dragged into this issue. Nothing improper has happened. ... (Interruptions) Nothing unconstitutional has happened ... (Interruptions) and the Finance Minister, whose image is intact, should not be dragged in this issue. ... (Interruptions [R5])

SHRI RUPCHAND PAL Sir, the hon. Finance Minister owes an explanation to this House regarding what has come out about the engagement of a lawyer. Of course, she is a competent professional for a definite purpose. Still, because she happens to be a very close relative of the hon. Finance Minister, he owes an explanation to this House.

श्री देवेन्द्र प्रसाद यादव (झंझारपुर) : अध्यक्ष महोदय, आज सदन में दोहरा मानदंड नहीं आपनाना चाहिए। ये लोग दोहरा मानदंड अपना रहे हैं।... (व्यवधान)* ...

MR. SPEAKER: No; it will not be recorded.

(Interruptions)* ...

11.32 hrs.

(At this stage, Shri Ashok Pradhan and some other hon. Members came and stood near the Table.)

MR. SPEAKER: I have not allowed those remarks. I have deleted it.

... (*Interruptions*)

* Not Recorded.

MR. SPEAKER: I have disallowed it.

... (*Interruptions*)

MR. SPEAKER: I have disallowed it. Please go back to your seats.

... (*Interruptions*)

MR. SPEAKER: I have disallowed it. You are making the case here. You are complicating it.

... (*Interruptions*)

MR. SPEAKER: I have disallowed it. It is not on record.

... (*Interruptions*)

MR. SPEAKER: Now, Shri Gurudas Dasgupta.

... (*Interruptions*)

MR. SPEAKER: Mr. Devendra Prasad Yadva, please sit down.

... (*Interruptions*)

MR. SPEAKER: Hon. Members, it is not on record. I have deleted it.

... (*Interruptions*)

MR. SPEAKER: Nothing will be recorded.

(*Interruptions*)* ...

MR. SPEAKER: Go on, let the country see your behaviour.

... (*Interruptions*)

MR. SPEAKER: Now, I allow Shri P. Chidambaram to make a statement under Rule 357.

... (*Interruptions*)

MR. SPEAKER: Hon. Members, please go back to your seats.

... (*Interruptions*)

MR. SPEAKER: Nothing will be recorded.

(*Interruptions*)* ...

* Not Recorded.

MR. SPEAKER: I now, permit Shri P. Chidambaram to make a personal explanation under Rule 357.

Hon. Members, please go back to your seats. The hon. Finance Minister is going to make a statement. He is entitled to have a hearing.

... (*Interruptions*)

अध्यक्ष महोदय : हमने ऐसा नहीं कहा है।

... (ब्यवधान)

अध्यक्ष महोदय : ठीक है, इसलिए हमने उसे रिकार्ड से डिलीट करवा दिया है।

... (ब्यवधान)

MR. SPEAKER: Sorry, I cannot take note of you.

... (Interruptions)

MR.SPEAKER: Now, the hon. Minister will speak. I will request all hon. Members of this side to go back to their seats. I have deleted that. Nothing is recorded.

... (Interruptions)

श्री सुशील कुमार मोदी : अध्यक्ष जी, इनका यह तरीका ठीक नहीं है।

अध्यक्ष महोदय : उसके लिए हमने भी तो बोला कि यह ठीक नहीं है। That is why. I have deleted it. That is not admissible. It was wrong to say that. I have deleted it. I said, it was wrong to say that.

(Interruptions)

अध्यक्ष महोदय : इसमें हम क्या कर सकते हैं। वह बात प्रोसीडिंग्स में नहीं आएगी।

... (ब्यवधान)

MR. SPEAKER: I have made my observation that it was not proper. Now, please go back to your seats.

... (Interruptions)

अध्यक्ष महोदय : अब तक आप इतना कोआपरेट करते रहे हैं, लेकिन आखिरी दिन रिकार्ड क्यों खराब कर रहे हैं?

... (ब्यवधान)

अध्यक्ष महोदय : आप मेहरबानी करके अपनी-अपनी सीटों पर वापिस चले जाइए।

... (ब्यवधान)

11.34 hrs.

(At this stage, Shri Ashok Pradhan and some other hon. Members

went back to their seats.)

MR. SPEAKER: Do not shout. I will not permit such behaviour, Mr. Ram Kripal Yadav. You are not doing any justice to yourself or to the House.

... (Interruptions)

MR. SPEAKER: Hon. Members, you had taken objection to something, and I have not allowed it to be recorded. I have made my observation that it should not have been said. What more do you want?

Now, the hon. Minister.

SHRI GURUDAS DASGUPTA (PANSKURA): Sir, you had called my name, but due to pandemonium, I could not speak. Now, please allow me to make my point.

MR. SPEAKER: All right; kindly make your point in just one sentence [\[k6\]](#).

SHRI GURUDAS DASGUPTA : Sir, may I most respectfully submit that it was not...
(Interruptions)

MR. SPEAKER: Everybody is respectful to the Chair. The country is seeing what respect is being shown to the Chair.

... (Interruptions)

SHRI GURUDAS DASGUPTA : Sir, may I say that it was not proper on the part of Shrimati Chidambaram to have taken up this case; it was proper on the part of Shri Chidambaram to know what was happening. But, at the same time, I must say that this issue is being unnecessarily politicalised to malign the Government. I should tell them: "Please do not pelt stones from a glass box; there are many complaints against...."

MR. SPEAKER: No. It is not being recorded.

... (Interruptions)

* Not Recorded.

प्रो. रासा सिंह रावत (अजमेर) : अध्यक्ष महोदय, आप इसे कार्यवाही से निकलवा दीजिए। ... (ब्यवधान)

अध्यक्ष महोदय : हमने उसे आलरेडी निकलवा दिया है। That is deleted. Thank you for your suggestion. Why are you saying this?

... (*Interruptions*)

अध्यक्ष महोदय : आप सुनिये। हमें आपकी मदद नहीं चाहिए। जब मदद की जरूरत होगी तब हम आपसे मांगेंगे।

11.37 hrs.
