

SHRI RAM NAGINA MISHRA (PUDRAUNA): Mr. Chairman, Sir, today, I have got an opportunity to speak after having waited for long...*(Interruptions)*

SHRI RAJESH RANJAN ALIAS PAPPU YADAV : Mr. Chairman, Sir, today during the Bihar Bandh the police vehicle are being used to carry anti-social elements ...*(Interruptions)*

[English]

MR. CHAIRMAN: Nothing is going on record except what the hon. Member, Shri Ram Nagina Mishra speaks.

*(Interruptions)\**

[Translation]

SHRI RAM NAGINA MISHRA: Sir, Narayani river flows through Uttar Pradesh and Bihar. There is 40-50 km. long dam to check floods over there. Unfortunately two kilometres of erosion area falls in Bihar. The area of erosion is two metres below than level of river. The D.M. of Pudrauna telephoned me that erosion in Piprasi is occurring in larger area and the situation is very grim. Only 10-15 feet of dam is left now. Thousands of Pudrauna villages will be submerged with the change of flow of the river. The Irrigation Minister of Uttar Pradesh and I had gone to see the condition there. It is a matter of two States. I demand that the Union Government send a team of experts there so that the erosion can be controlled. Otherwise thousands of villages will be submerged and it will be difficult to rehabilitate the villagers. The Minister of the concerned department and team of experts should go there and see the condition.....*(Interruptions)\**

[English]

MR. CHAIRMAN: Shri Nitish Kumar, you know very well that what you are speaking is not going on record.

*(Interruptions)\**

MR. CHAIRMAN: Again, nothing will go on record other than what Prof. Kurien says.

*(Interruptions)\**

PROF. P.J. KURIEN (MAVELIKARA): Sir, I would like to mention an important matter. ....*(Interruptions)\**

MR. CHAIRMAN: Please do not degrade this Parliament.

*(Interruptions)\**

MR. CHAIRMAN: Nothing will go on record other than what is said by Prof. Kurien.

*(Interruptions)\**

MR. CHAIRMAN: Nitish Kumar ji, please cooperate.

*(Interruptions)*

MR. CHAIRMAN: Then, I am forced to declare that the House stands adjourned till 2.10 P.M.

\* Not Recorded

13.08 hrs.

*The Lok Sabha then adjourned for Lunch till Ten Minutes past Fourteen of the Clock.*

14.17 hrs.

*The Lok Sabha re-assembled after Lunch at Seventeen Minutes past Fourteen of the Clock*

*(SHRI CHITA BASU in the Chair)*

[English]

MR. CHAIRMAN: Yes, Mr. Home Minister.

SHRI RAM NAIK (MUMBAI NORTH): Sir, is he replying to the debate?

MR. CHAIRMAN: No. He is making a statement.

THE MINISTER OF HOME AFFAIRS (SHRI INDRAJIT GUPTA): We would like to have a debate on this matter.

14.18 hrs.

#### STATEMENT BY MINISTER

[English]

#### Issue of Seeking Army Assistance by the CBI for Execution of a Warrant of Arrest in Patna

SHRI INDRAJIT GUPTA: The issue of an attempt to utilise the services of the Army in connection with the arrest of Shri Laloo Prasad Yadav, former Chief Minister of Bihar, was raised in this House yesterday and Members had expressed concern about the same. I have ascertained the position in this regard.

Following the rejection of the petition for anticipatory bail of Shri Yadav by the Hon'ble Supreme Court on the afternoon of the 29th July, 1997, the Central Bureau of Investigation took steps and made arrangements for executing the warrant of arrest issued by the Special CBI Court in Patna. This was to be done by the 6th August, 1997. The decision within the CBI was to effect the arrest on the morning of the 30th July, 1997 and instructions were issued by the CBI Headquarters to the local formation that assistance of the State authorities should be obtained in this operation, that the Chief Secretary of the State and other senior officers should be taken into confidence for this purpose, and that utmost tact and care should be exercised.

It appears that the officers concerned with this case decided to execute the arrest warrant during the course of the night of July 29/30, 1997. It further appears that after having been unable to establish contact with the Chief Secretary of Bihar and having been given to understand by the Director-General of Police of Bihar that making necessary security arrangements would entail some extra time, the Joint Director of the CBI at Calcutta, who has been supervising this case, directed the SP, CBI at Patna, to seek the assistance of the Army in the execution of the arrest warrant. The

letter of the SP, CBI to the Danapur Army authorities stated: "As per the oral directions issued by the hon. Patna High Court (Hon. Mr. Justice S.N. Jha and Hon. Mr. Justice S.J. Mukhopadhyay), this is to request you for favour of providing immediately an armed contingent, comprising of at least one company to assist the CBI party to execute the Non Bailable Warrant against Shri Lalu Prasad Yadav, former Chief Minister of Bihar". The Army authorities at Danapur did not respond to this request on the ground that the Army will be able to come to the aid of civil administration only at the request of the notified civil authorities. They also informed the CBI officers that in view of the sensitivities involved, they had sought guidance from the Army Headquarters.

According to established procedure, the assistance of the Army can be sought by the civil authorities strictly in accordance with law and in limited cases where the assistance is absolutely essential for the maintenance of law and order and essential services, and in natural calamities. Further, the request has to be made meticulously in accordance with the procedure, by making it through the proper channel. The request made by the CBI officers to the local Army authorities at Danapur was in clear violation of the established procedure and also wholly beyond their authority. The overall national interest in a democratic society demands that the Army's assistance should be sought only in exceptional circumstances and following the due procedure. Any deviation from the established procedure has the potential of leading to grave and undesirable consequences. Since the request in this case had not been made through the authorised civil authorities, an explosive situation could have resulted from this unauthorised action.

Government have considered this episode with all the seriousness that it deserves. Government have taken a serious note of the conduct of the concerned CBI officers in seeking assistance of the Army without following the established procedure. A high-level inquiry is being ordered into the conduct of these officers and appropriate action will be taken based on the finding of the inquiry. Government will appropriately reiterate the instructions regarding the circumstances and the manner in which Army's assistance may be obtained by civilian authorities and will ensure that these instructions are scrupulously observed.

[Translation]

SHRI NITISH KUMAR (BARH): Mr. Chairman, Sir, I had said that the State Government machinery did not co-operate in this regard....(Interruptions)

[English]

MR. CHAIRMAN: Shri Nitish Kumar, please sit down.

SHRI PINAKI MISHRA (PURI): Chairman, Sir, this is an extraordinary case....(Interruptions)

MR. CHAIRMAN: The Rule does not provide it.

(Interruptions)

SHRI PINAKI MISHRA: It does not, Mr. Chairman, you are right....(Interruptions)

SHRI NITISH KUMAR: The Rule does not provide but in exceptional cases....(Interruptions)

[Translation]

SHRI BRAHAMANAND MANDAL (MONGHYR): Mr. Chairman, Sir, that day the chair had ordered that a statement be given about the fact whether the State Government had co-operated or not, but the Hon'ble Home Minister does not mention anything about it in his statement...(Interruptions)

[English]

MR. CHAIRMAN: Please listen to me. Shri Nitish Kumar, you should see that I am on my legs.

(Interruptions)

[Translation]

SHRI RAJESH RANJAN ALIAS PAPU YADAV (PURNEA): Mr. Chairman, Sir, the chair had given instructions about two issues....(Interruptions)

[English]

MR. CHAIRMAN: Please listen to me. There are certain procedures for the conduct of the business in this House. The hon. Minister has made the statement with the consent of the Speaker and the Rule does not provide any discussion, or any point to be raised, particularly in this House, by your seeking a clarification. Therefore, I am sorry, I am unable to allow anybody to seek clarifications.

(Interruptions)

[Translation]

SHRI GIRDHARI YADAV (BANKA): Mr. Chairman, Sir, these people are biased....(Interruptions)

[English]

SHRI NITISH KUMAR: There have been precedents when the Chair gave permission.....(Interruptions)

SHRI PINAKI MISHRA: The power of the Chair is unshackled....(Interruptions)

MR. CHAIRMAN: Please allow me to conduct the business of the House in accordance with the Rules of Procedure.

(Interruptions)

SHRI NITISH KUMAR: The Chair had given permission in the past to seek clarification on a Minister's statement....(Interruptions)

SHRI PINAKI MISHRA: Mr. Chairman, there have been many precedents....(Interruptions)

[Translation]

SHRI RAJESH RANJAN ALIAS PAPU YADAV: Mr. Chairman, Sir, in this statement, nothing has been mentioned about whatever was said in the House about Coal India Plan.....(Interruptions)

[English]

MR. CHAIRMAN: Yadavji, every time you cannot raise your voice. And you cannot point fingers at me. Is it clear. Please sit down.

(Interruptions)

MR. CHAIRMAN: Please behave yourselves.

(Interruptions)

MR CHAIRMAN: It is after all Parliament. There are Rules of Procedure. I can only implore the House to please behave.

(Interruptions)

[Translation]

SHRI RAJESH RANJAN ALIAS PAPU YADAV: Mr. Chairman, Sir, two High Court advocates had gone to Patna from New Delhi by Coal India Aircraft and any Minister was not travelling in that plane. The Chairman had said that the Home Minister would mention in his statement about it but nothing has been mentioned in this regard in Home Minister's statement....(Interruptions)

[English]

SHRI PINAKI MISHRA: We beseech you for your protection.....(Interruptions)

MR. CHAIRMAN: Am I to be taught by you? Please behave.

(Interruptions)

[Translation]

SHRI GIRDHARI YADAV: Mr. Chairman, Sir, all these people are bent upon violating the rules....(Interruptions)

[English]

SHRI PINAKI MISHRA: This is not teaching. We beseech you....(Interruptions)

MR. CHAIRMAN: Do not degrade Parliament. I have to make a statement.

(Interruptions)

SHRI NITISH KUMAR: There have been many precedents.....(Interruptions)

MR CHAIRMAN: I am unable to allow any discussion on this.

(Interruptions)

MR. CHAIRMAN: I am sorry I am unable to allow any Member of this House to make a statement on the statement made by the hon. Minister as per the Rules of this House.

(Interruptions)

[Translation]

SHRI RAJESH RANJAN ALIAS PAPPU YADAV: Mr. Chairman, Sir, what was the behaviour of the Chief Secretary of Bihar Government and the Collector of Patna with the C.B.I. Officer? Had both of them misbehaved with the C.B.I. Officer. There is nothing mention about it in this statement. ....(Interruptions)

[English]

SHRI NITISH KUMAR: You can do it as a matter of exception.....(Interruptions)

SHRI PINAKI MISHRA: Admittedly, there are oral directions of the High Court. Mr. Chairman, kindly give us one minute.....(Interruptions)

SHRI NITISH KUMAR: There are so many precedents.. ..(Interruptions)

SHRI PINAKI MISHRA: Give us one minute. That is all we require....(Interruptions)

MR. CHAIRMAN: I have already said what I have to say.

(Interruptions)

MR. CHAIRMAN: Or else you make another rule. Please behave.

(Interruptions)

SHRI NITISH KUMAR: It is an injustice being done. It is unfair. It is not for the first time it is done. As a special case.....(Interruptions)

SHRI PINAKI MISHRA: It is an extraordinary case....(Interruptions)

MR. CHAIRMAN: I have said whatever I have got to say.

(Interruptions)

[Translation]

SHRI NITISH KUMAR: Mr. Chairman, Sir, this matter is within your powers. It is within your jurisdiction that you can allot time to one or two hon. Members to clarify....(Interruptions)

[English]

SHRI PINAKI MISHRA: The repercussions are very extraordinary. Kindly give us a minute..... (Interruptions)

SHRI NITISH KUMAR: The Chair has allowed a discussion in the past on many occasions.....(*Interruptions*)

SHRI PINAKI MISHRA: The hon. Home Minister realises the repercussions. Kindly give us one minut....(*Interruptions*)

[*Translation*]

SHRI GIRDHARI YADAV: Mr. Chairman, Sir, he is bent upon to violate all the rules..... (*Interruptions*)

SHRI NITISH KUMAR : Mr. Chairman, Sir, it is within your jurisdiction. You can allot him sometime...(*Interruptions*)

[*English*]

MR. CHAIRMAN: Shri Nitish Kumar, you should know that I am here to function under certain rules of procedure.

(*Interruptions*)

SHRI PINAKI MISHRA: There cannot be any fetters on the powers of the Chairman..... (*Interruptions*)

[*Translation*]

SHRI DEVENDRA PRASAD YADAV (JHANSARPUR): Mr. Chairman, Sir, I am on a point of order....(*Interruptions*).... I want to speak only about the rules because I was listening very patiently to the reply of Hon'ble Home Minister..(*Interruptions*)

MR. CHAIRMAN: What is your point of order?

SHRI DEVENDRA PRASAD YADAV: My point of order is this that since the Chair is supreme in this House it is mandatory not only for the members of this House but for the Government also to follow each and every direction of the Chair. Yesterday, when this matter came up, Mr. Deputy Speaker was in the Chair. The direction given by Mr. Deputy Speaker from the Chair at that time had three points. Directions were given on all the three points from the Chair. The entire position has become clear by the reply of Hon'ble Minister on one of those points. The remaining two points - whether about non-cooperation the State. State Administration or about misuse of the Government machinery, must be replied to and only then the House would be convinced. The rule, you are talking about is correct. In the Parliamentary procedure and practice there is no provision for clarification. Once Hon'ble Minister replies in this House but it is there in the other House. But this has been the convention of this House. The something happened day before yesterday....(*Interruptions*)

SHRI NITISH KUMAR: Mr. Chairman, Sir, Shri Devendra Prasad Yadav ji has just said two things. When I, Pappu ji and some other Members had raised this issue it was directed by the Chair that the Government lay a statement convening all the points. So far as approaching military by CBI is concerned, Hon'ble Minister has laid a detailed statement. It is evident from this statement that the CBI officials who work honestly have been victimised by the Union Government... (*Interruptions*)

Mr. Chairman, Sir, why such a situation arises...(*Interruptions*)...It is necessary to go into its background why was army approached? Army was approached, I did not mean approving it but I want to know under what circumstances Army was approached. The CBI Director send a fax to the local unit to execute the arrest warrant immediately and the same is released in the news papers. Right from seven O'clock it is aired on the electronic media, Star Plus and other networks that Lalooji will be arrested to night itself. The fax message in this regard was sent on the Director's level. And people stand gathering there. On one hand their is a fax message to execute the arrest warrant immediately and on the other hand such an atmosphere is created that the State Government is not cooperating, neither DGP nor Chief Secretary is cooperating...(*Interruptions*) What should the CBI do in such a situation. Why did such a situation arise...(*Interruptions*). By not executing the nonbailable warrant there was a total breakdown of the State Machinery. The State Government has given undertaking to the Court as per the law...(*Interruptions*).... The DGP, DM and all others officers have given undertakings that they would help but they did not. And in the circumstance the breakdown of the State Machinery there....

Mr. Chairman, Sir, just minute please whether the Union Government have no accountability under the circumstances. The total breakdown of State machinery...(*Interruptions*) They do not go by their words and the third point was that some private Members and the lawyer of the accused were flown to Patna by Coal India plane to help the convict..(*Interruptions*) Reply to this point was expected and there was direction from the Chair Too. Therefore, I request you that the hon. Home Minister should come to reward with his views on both of these and also on the additional two points...(*Interruptions*)

[*English*]

MR. CHAIRMAN: Shri Nitish Kumar, I have understood you.

SHRI PINAKI MISHRA: Mr. Chairman, Sir, there is a clear contradiction in what the hon. Minister has stated. I just want to bring to his notice with great respect this fact when he said that there is an omission and I say that there is a contradiction. There is no difference between what we are saying. I am very sorry to say that a political colour is being given to something which I think shakes the very foundation of our democracy.

MR. CHAIRMAN: What have you got to say on this?

SHRI PINAKI MISHRA: Kindly see this. Kindly see the enormity of the crime.

MR. CHAIRMAN: No. You are discussing something on the statement made by the hon. Minister. The hon. Members should understand this.

(*Interruptions*)

[*Translation*]

SHRI NITISH KUMAR: An honest fellow who is investigating into charges of corruptions....(*Interruptions*)

SHRI GIRDHARI YADAV: Don't talk about that. He seems to be an honest person...*(Interruptions)*

*[English]*

SHRI PINAKI MISHRA: Sir, I have not completed my statement...*(Interruptions)* The CBI had done it as per the oral direction given by the Patna High Court. What is the correct position? Is it as per the Joint Director's statement or is it as per the oral direction given by the High Court?

MR. CHAIRMAN: How can you defy the Chair? Does the rule permit the hon. Members to defy the Chair?

SHRI PINAKI MISHRA: I will never defy the Chair.

MR. CHAIRMAN: Then, please sit down. I have checked the proceedings.

*(Interruptions)*

*[Translation]*

MR. CHAIRMAN: Mr. Pappu, please have patience. I would like to quote that too. The Deputy Speaker had stated it is not clear whether the incident of calling the army in Bihar has occurred or not and on whose instance it has happened. Secondly it is also not clear whether anybody has travelled by Coal India plane. I would like that the Government should make a statement either today or tomorrow.

SHRI NITISH KUMAR: It has been presumed by the gesture of the Chair in the light of Shri Chandrashekhar's statement...*(Interruptions)*

SHRI PINAKI MISHRA: Who had given the instructions to call the army?

*[English]*

MR. CHAIRMAN: Again what is this? Does the House permit this kind of a behaviour from the hon. Members?

SHRI PINAKI MISHRA: No, Sir.

MR. CHAIRMAN: So, I would draw the attention of the hon. Minister to the fact that in his statement certain points have been discussed and certain points have not been discussed. He may kindly get it checked up and reply or he may add further in his statement.

THE MINISTER OF HOME AFFAIRS (SHRI INDRAJIT GUPTA): Mr. Chairman, Sir, I hope that the hon. Members will not mind. I am just saying that according to the rules, any hon. Member has a right to table a motion asking for a discussion under Rule 193 or Rule 184 on the statement which I have made. A full discussion can take place.

Sir, there are two points which I could gather. I am sorry that I was not in the House yesterday. One point was regarding what Shri Nitish Kumar described as breakdown of law and order in Bihar.

We have no such evidence up to now before us. There is a complaint which is, of course, on record that the Bihar Government was not giving adequate assistance to the authorities for carrying out the arrest of Shri Laloo Prasad Yadav. If they had not given adequate assistance, that does not amount to breakdown of law and order machinery. The question whether they were giving adequate assistance or not; if not, why not; for all these things, an enquiry will have to go into it fully. Naturally, the Bihar Government has denied it.

As regards the other point about the misuse of a plane belonging to Coal India, that does not relate to our Ministry. It relates to the Coal Ministry. If they have anything to say about this, they can do so.

MR. CHAIRMAN: So far as the information from the Coal Ministry is concerned, the hon. Minister has informed me that she is collecting the details. The details are not yet available.

*(Interruptions)*

*[Translation]*

SHRI RAJESH RANJAN ALIAS PAPPU YADAV: I too have evidences...*(Interruptions)*

*[English]*

MR. CHAIRMAN: The hon. Minister of Coal may kindly make the statement as early as possible.

If any hon. Member wants to give a notice for further discussion on the statement made by the hon. Minister of Home Affairs, it would be considered by the Business Advisory Committee and the Speaker.

*(Interruptions)*

SHRI PINAKI MISHRA: Sir, the House is glossing over the major issue without knowing who had given the oral instructions.

*[Translation]*

SHRI RAJESH RANJAN ALIAS PAPPU YADAV: No reply regarding Coal India has been given.

THE MINISTER OF STATE IN THE MINISTRY OF COAL (SHRIMATI KANTI SINGH): Mr. Chairman has already mentioned it.

14.43 hrs.

*[English]*

#### OBSERVATION RE : INSTALLATION OF NEW CAMERAS IN THE CHAMBER

MR. CHAIRMAN: Hon. Members may kindly recall that the issue of installation of certain new cameras in this Chamber was raised. The Chair had observed that the Members would be informed about this today.