

[Shri Sharad Dighe]

against the Bill, but goes against the Supreme Court judgement, which says that 26 days should be calculated and accordingly ceiling should be fixed. Therefore from the provisions of this Bill, this ceiling is not correct and the Labour Minister, I think, has not applied his mind properly and I say that he has relied merely on the bureaucrats in fixing the ceiling, and the lobby of the employers has succeeded in getting this amendment as far as this Bill is concerned.

I will just make my last suggestion within two minutes.

Such beneficial legislation takes a lot of time. Even though the amendment was suggested by the Supreme Court in 1980 in the Judgement of Digvijay Woollen Mills Ltd., it is reported in the Labour Law Journal Vol. II—Page 252, we took so many years to arrive at 26 days formula. Apart from this, the Supreme Court has also made observations in the subsequent days that the Government should not take such a long time to make necessary amendments as far as the beneficial legislation of retirement benefits are concerned:

In another case—Jeewanlal Ltd.; it is reported in the Labour Law Journal, Vol. II, 1984 Page 464—it is suggested by the Supreme Court in the last para as under:

"In retrospect, we wish to impress upon the Government that whenever such doubt or difficulty is expressed by the High Courts, the application of provisions of social security measures, viz. retiral benefits, gratuity, provident Fund and pension, and the like—they must always introduce legislation to cure the difficulties rather than wait for judicial interpretation by the highest court. We may also add that the Government may consider the desirability of

setting up a National Labour Commission, (and this is my suggestion also) which may be entrusted not only with the task of making periodical review of such social welfare legislations from time to time, but also to suggest radical reforms of the law relating to Industrial Relations which must be brought in tune with the changing needs of the society..."

I would urge upon the Government that this suggestion should be accepted. Otherwise, such labour beneficial legislation lags behind. Now, here also we see that this Bill was introduced in Rajya Sabha on 18th March 1987. Still we are discussing this. This is getting the last priority. Whenever we have some time, we are intervening with this and trying to get on with this. The labour beneficial legislation should get the most priority and this Labour Commission should be set up so that it will be attended to as early as possible.

With these words, I conclude.

13.04 hrs.

*The Lok sabha adjourned for Lunch till
Fourteen of the Clock.*

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

[MR. SPEAKER in the Chair]

MOTION RE: APPOINTMENT OF A JOINT COMMITTEE TO ENQUIRE INTO THE ISSUES ARISING FROM THE REPORT OF SWEDISH NATIONAL AUDIT BUREAU ON THE BOFORS CONTRACT—Contd.

[English]

THE PRIME MINISTER (SHRI RAJIV GANDHI): Mr. Speaker, Sir, with your permission, I would like to make a brief intervention.

During the course of discussions on the Bofors case, both inside and outside the House, many allegations have been made. Rumour and unfounded suspicion have been used to "tarnish the image of the country and its leadership.

I categorically declare, in this the highest forum of India's democracy that neither I nor any members of my family have received any consideration in these transactions. That is the truth.

I have repeatedly stated in both Houses that if enquiries establish that any person has been guilty of receiving illegal payment, the strongest action under the law will be taken.

The Congress and its Government are as interested as anyone else in finding out the truth. Let all sections of the House cooperate in this common task.

THE MINISTER OF FINANCE AND THE MINISTER OF COMMERCE (SHRI NARAYAN DATT TIWARI): During the debate questions concerning the inquiry into Swiss Accounts and about the action taken against Shri W.N. Chadha have been raised. I will seek to deal with these two issues.

As hon. Members are aware, the Government has been concerned about Indians having accounts with Swiss Banks without due permission and the knowledge of the Government. In order to explore the possibility of finding out the details of Swiss Accounts by resident Indians and the steps that could be taken in this context, a team of experts headed by Dr. A. Ghosh, Dy. Governor, Reserve Bank of India, visited Switzerland and held discussions with the Swiss authorities. The team came to the following conclusions:

- (a) Swiss authorities would not permit generalised inquiry or furnish ordinary information about the customers' accounts unless specific and appropriate

court orders are obtained in Switzerland.

- (b) The Swiss Federal Act on International Mutual Assistance in Criminal Matters (IMAC) would enable mutual assistance where acts in respect of which assistance is sought satisfy criteria of dual criminality and the State seeking assistance guarantees reciprocity to the Swiss authorities. If the above conditions are satisfied, Swiss authorities would entertain request for assistance in criminal matters under the provisions of IMAC and suitable proceedings would be initiated in Swiss courts for obtaining information from the concerned bank.
- (c) Tax evasion or violation of foreign exchange regulations would not be regarded as criminal offences by Swiss authorities.
- (d) Information obtained under IMAC would not be used for any purpose other than one for which it is intended.
- (e) Assistance from the Swiss authorities under IMAC would be obtained even without entering into a bilateral treaty/agreement with Switzerland provided that the requirements of dual criminality and reciprocity are satisfied. Entering into a treaty or agreement would, however, enable assistance even beyond the provisions of IMAC being extended and placing an obligation on Swiss authorities to provide assistance according to the terms of treaty or agreement.

3. The Government are aware that some Indian citizens have clandestine deposits in foreign banks. The origin of these

[Shri Narayan Datt Tiwari]

deposits is from various illegal practices such as invoice manipulation on exports/imports, illegal retention abroad of commissions on exports, illicit traffic in drug and smuggling of Indian currency etc. In order to intensify action against economic offenders, Government has decided to enter into a treaty for mutual assistance in criminal matters with Swiss authorities, and pending conclusion of such treaty or agreement, entering into a Memorandum of Understanding with Swiss authorities for assistance in specific cases of Indians having accounts in Swiss banks. We are intimating our Ambassador in Switzerland to inform the Swiss authorities of this decision. Expeditious further action within the framework of Indian and Swiss laws will be taken so that we are able to obtain requisite information against offenders and proceed against them effectively.

Coming to the other question, namely, action against Shri W.N. Chadha, may I state that on assumption of office, the Prime Minister had reiterated the existing instructions that the Ministry of Defence should not deal with non-Governmental agents of a foreign supplier in respect of any commercial negotiations. Foreign governments and suppliers had been told unequivocally about this decision.

The hon. House is aware that M/s Bofors had been advised clearly at the commencement of price negotiations about the unambiguous policy of the Government of India to disallow the engagement of any Indian agent. The then President of Bofors had informed Defence Secretary that Bofors did not have any representative or agent specially employed in India for this project. However, for administrative services, for example, hotel bookings, transportation, forwarding of letters, telexes etc., he said that they are utilising the local firm M/s Anatronics General Corporation, Vasant Vihar, New Delhi....(*Interruptions*).

SHRI S. JAIPAL REDDY (Mahbubnagar): On a point of order, Sir.

MR. SPEAKER: What is your point of order?

SHRI S. JAIPAL REDDY: Sir, I would like to know the subject on which the new Finance Minister is making the statement.

MR. SPEAKER: It is all right. That is what we are discussing. There is no point of order. Overruled.

SHRI K.P. UNNIKRISHNAN (Badagara): Copies of his statement should also be made available....(*Interruptions*). Is he intervening in the debate or is he making a separate statement?.....(*Interruptions*)

MR. SPEAKER: No separate statement.

SHRI NARAYAN DATT TIWARI: Sir, may I in all humility request my distinguished friends and colleagues that during the debate, many references have been made to Mr. W.N. Chadha, action taken against him, and Swiss accounts. Therefore, I thought it my humble duty that I should respond to these because I am in charge of this, and I will not take much of your time.

SHRI SAIFUDDIN CHOWDHARY (Katwa): No, take as much as you like....(*Interruptions*).

SHRI S. JAIPAL REDDY: Sir, he is reading out a statement. It is not the same as intervention....(*Interruptions*).

MR. SPEAKER: That is written part of it.

SHRI NARAYAN DATT TIWARI: Sir, the hon. Members have been informed by my distinguished colleague, the Defence Minister, about the sequence of steps that Government have taken in this matter following the publication in the newspapers on April 17, 1987 about the alleged improper payments made by Bofors. As he has pointed out, intense and immediate efforts were being made to

obtain clarifications from Bofors and the Swedish Foreign Office on this matter. As a result of Government of India's insistence, the Swedish Government referred the entire matter to the Swedish National Audit Bureau on the 29th April, 1987. The Swedish National Audit Bureau's report which was received by Government of India on 4th June 1987, referred to certain winding up costs amounting to two-three per cent of the ordered sum. This was in clear contravention of the understanding that no such payments were to be made about the engagement of Indian agents. In the light of this latest information from the Swedish National Audit Bureau and in view of the association of Anatronics General Corporation with Bofors, it was decided to take action against them under FERA.

The Enforcement Directorate accordingly conducted searches on 5.6.1987 on the premises connected with Shri W.N. Chadha. Based on the scrutiny of the documents seized as a result of the search action, Shri W.N. Chadha was summoned to appear in the Enforcement Directorate for purpose of investigation. However, so far Shri W.N. Chadha has not appeared in the Enforcement Directorate. Under the circumstances orders for revocation of his passport has been issued by the Regional Passport Officer, New Delhi on 23.7.1987. Action has also been taken to file prosecution against Shri W.N. Chadha in the court of law for his non-appearance despite summons by the Directorate of Enforcement. All possible efforts are being made to proceed with the investigation of the case.

A case against M/s Anatronics General Corporation has also been taken up for detailed scrutiny by the Income Tax Department and all its known assets have been attached.

SHRI SOMNATH CHATTERJEE (Bolpur): When was the criminal complaint filed?

(Interruptions)

SHRI BHATTAM SRIRAMA MURTY (Visakhapatnam): Let us have a separate discussion.

(Interruptions)

SHRI N.V.N. SOMU (Madras-North): Please allow me to speak before the Minister's reply.

(Interruptions)

SHRI BASUDEB ACHARIA (Bankura): Please allow him to speak.

MR. SPEAKER: No.

(Interruptions)

SHRI SAIFUDDIN CHOWDHARY: Why not?

MR. SPEAKER: I have allowed everybody which I could.

SHRI SAIFUDDIN CHOWDHARY: Do you want to take them as Independents?

(Interruptions)

SHRI BASUDEB ACHARIA: Please allow them to speak.

(Interruptions)

MR. SPEAKER: My ruling seems to be final to me. What I said is final. So simple.

SHRI N.V.N. SOMU: I should be allowed.

MR. SPEAKER: I have given more than what I could.

SHRI N.V.N. SOMU: I have not been given opportunity, Mr. Speaker.

MR. SPEAKER: Nothing doing now. I did my best.

(Interruptions)

MR. SPEAKER: I am not answerable.

SHRI BASUDEB ACHARIA: Why?

MR. SPEAKER: There is no why. It is because I say. It is my decision.

(Interruptions)

MR. SPEAKER: Gentlemen, I did my best. I gave all the time I could and I cannot do more than that. Simple.

(Interruptions)

SHRI N.V.N. SOMU: I should be given an opportunity as a Member on behalf of the D.M.K. This morning when I was present, they had taken up gratuity matter. I should be given an opportunity. It is unjust.

(Interruptions)

PROF. MADHU DANDAVATE (Rajapur): I have a submission to you. If the former Defence Minister were to speak, he may reveal some information....

(Interruptions)

PROF. MADHU DANDAVANTE: Why do you not allow him?

(Interruptions)

MR. SPEAKER: I have given time whatever I could. Nothing more I can do.

(Interruptions)

MR. SPEAKER: No, not now.

(Interruptions)

SHRI N.V.N. SOMU: Sir, I should be given an opportunity to speak on behalf of my party.

MR. SPEAKER: I cannot work against the rule if you do something like this. What more could be fair, Mr. Acharia? It looks very odd to me that after taking so much of the time, you still claim more time. No. Nothing doing. Absolutely not. I cannot allow more. I have given more than enough. There should be some limit to anything.

(Interruptions)

SHRI BASUDEB ACHARIA: Sir, ne should be given an opportunity to speak. *(Interruptions)*

PROF. MADHU DANDAVATE: Mr. Speaker, Sir, I would request that if some parties have gone unrepresented.....

(Interruptions)

MR. SPEAKER: Professor, I think I have been too liberal. I gave you all the time which was available.

SHRI K.P. UNNIKRIISHNAN: Sir, We are not here on anybody's charity.

MR. SPEAKER: Please don't get angry with me.

SHRI K.P. UNNIKRIISHNAN: We are not on anybody's charity.

MR. SPEAKER: I cannot be threatened like this. I don't get threatened at all. I have got the powers. I have closed the debate and I have closed it. It is so simple.

(Interruptions)

SHRI N.V.N. SOMU: The D.M.K. Party Member should be given an opportunity to speak. *(Interruptions)*

MR. SPEAKER: With all your shouting I cannot be threatened. I cannot be cajoled. I cannot be blackmailed. It is so simple. I have tried my level best. I have given more than two days, full two days, and if you still are not satisfied, there is no end to it. It is

my right to declare the closing and I have done it. It is so simple. Nothing doing.

(Interruptions)

SHRI N.V.N. SOMU: Sir, it is unfair.
(Interruptions)

MR. SPEAKER: Let it be on record that you have not let the House run.

(Interruptions)

SHRI N.V.N. SOMU: Sir, it is unfair and unjust. Definitely I should be given an opportunity. It is unfair and unjust. Sir, on behalf of my party, I should be given an opportunity to speak.

(Interruptions)

PROF. MADHU DANDAVATE: There is no question of pressurising you. All I want to make a request to you is that if one or two Members who have been left are allowed to speak, what is the difficulty?

MR. SPEAKER: When your motion comes, they can speak on that.

(Interruptions)

PROF. MADHU DANDAVATE: Sir, there is no question of pressurising.

MR. SPEAKER: Professor, your Motion will be coming up. They can take part in it. It is not essential that everybody in this House is going to take part in this debate.

(Interruptions)

MR. SPEAKER: It cannot be done. It is impossible. It is impossible to do it.

(Interruptions)

MR. SPEAKER: What more can I do? I have done the most. What can do is that I can put this suggestion to the vote of the House. If the House approves of it, you can take the whole day.

(Interruptions)

MR. SPEAKER: Is the House willing to carry on this subject any longer?

SOME HON. MEMBERS: No, no.

(Interruptions)

SHRI N.V.N. SOMU: Sir, it is unjust, undemocratic and unfair on your part. I should be given a chance to speak.
(Interruptions)

PROF. MADHU DANDAVATE: Sir, I am on a point of order. I will formulate my point of order. Firstly, there is no question of pressurising when we made a request to you that if one or two parties which are left uncovered, if they are left without speaking, what will be the difficulty in allowing them? You say I will put it to the vote of the House. Sir, when we make an appeal to you, it is very improper that you should put it to the vote of the House. The decision is within your power and if you want this House to vote for this.

Ruling also, will you put to vote?

MR. SPEAKER: Prof. Sir, this is not correct. We discussed how much time we should need. So, I did allow everything and allowed you more than two full days for this very discussion. What more can I do?

(Interruptions)

MR. SPEAKER: One minute. There are always subjects in which all cannot take part. There are always subjects. Tell me one subject on which every person in this House or every Party has taken part. Sometimes they take part, sometimes they don't.

SHRI DINESH GOSWAMI (Guwahati): I am on a point of order. *(Interruptions)*

SHRI N.V.N. SOMU: Mr. speaker, I am on a point or order.

(Interruptions)

SHRI SOMNATH CHATTERJEE: Sir, by this time, their speeches would have been over.

PROF. MADHU DANDAVATE: We request you, kindly don't put it to vote. It is simply, it is strictly your discretion. We do not pressurise. *(Interruptions)*

MR. SPEAKER: But you would not accept it. My discretion you would not accept. So, what can I do? My discretion, you would not accept. Professor, Sir, I am not talking out of sequence; I am not talking out of the blue. I am talking what was taking place in this very House. And that is always done. It is not a new dimension that I am doing. I have done it earlier.

PROF. MADHU DANDAVATE: In the past, the suggestion was not put to vote. They will take undue advantage of being in the majority.

MR. SPEAKER: On this very subject, I have admitted your motion. One more is coming. Then, they can take part. There is no problem.

SHRI BASUDEB ACHARIA: What motion?

MR. SPEAKER: Ask Prof. Saheb. You ask him.

(Interruptions)

MR. SPEAKER: No. I am not satisfied. My decision is final, whether you are satisfied or not. I am the Speaker and I have given my ruling.

(Interruptions)

SHRI N.V.N. SOMU: Mr. Speaker, Sir, I am on a point of order.

THE MINISTER OF DEFENCE (SHRI K.C. PANT): Mr. Speaker...*(Interruptions)*

SHRI DINESH GOSWAMI: I am on a point of order.

MR. SPEAKER: There is nothing in the point of order. Over-ruled.

SHRI DINESH GOSWAMI: Will you listen to my point of order? Am I not entitled to raise a point of order? Please listen to my point of order. *(Interruptions)*

MR. SPEAKER: I have allowed the hon. Minister to go ahead. I do not know, Sir, which rule has been infringed.

SHRI DINESH GOSWAMI: Rule 376.

MR. SPEAKER: No. No point of order. No infringement of rule, whatsoever. No problem.

SHRI DINESH GOSWAMI: Please listen to my point of order.

MR. SPEAKER: What is the infringement? First refer to the rule which has been infringed. Then, I will speak.

SHRI DINESH GOSWAMI: The rule is 376.

MR. SPEAKER: That is the point of order rule. How is it a point of order? There is no rule which has been infringed so far.

SHRI DINESH GOSWAMI: Why suddenly you have become so tough that you are not permitting Members to raise point of order?

MR. SPEAKER: There is no point of order. No rule has been infringed.

PROF. MADHU DANDAVATE: How is it that you are not allowing point of order?

MR. SPEAKER: There is no infringement of rule.

SHRI SOMNATH CHATTERJEE: Are we at their mercy.

(Interruptions)

MR. SPEAKER: It is the people of India who have given that. I have not. What they have given to you is yours. What they have given to them is theirs. It is not mine. It is neither yours, nor theirs. It is the people of India who have given this. That is all.

SHRI SOMNATH CHATTERJEE: By this time, their speech would have been finished.

SHRI N.V.N. SOMU: I am on a point of order.

MR. SPEAKER: There is no point of order. I will give you a chance later, but not now.

(Interruptions)

SHRI N.V.N. SOMU: It is unfair, unjust, and undemocratic...

(Interruptions)

MR. SPEAKER: Not allowed.

(Interruptions)

SHRI N.V.N. SOMU: It is unjust, undemocratic and unfair....

(Interruptions)

MR. SPEAKER: Not allowed. It is my right to conduct the debate and I have done it in the best way I could. That is all. Finished.

(Interruptions)

SHRI K.C. PANT: Will you give me a moment? *(Interruptions)*

When we began this debate....*(Interruptions)*

Listen to me. Please listen to me. You cannot have a point of order in a vacuum.

PROF. MADHU DANDAVATE Shri Dinesh Goswami is on a point of order.

(Interruptions)

SHRI K.C. PANT: Speaker is there to direct. You allow him to direct. Whatever he says, I shall do. You also follow his directions. That is all I say. Whatever he says, you have to listen to him. Whatever the Speaker says, it is his direction.

(Interruptions)

MR. SPEAKER: Any infringement of any rule, I will definitely listen.

SHRI SOMNATH CHATTERJEE: Mr. Goswami is on a point of order.

MR. SPEAKER: That is what I am going to say. Let him first refer to any rule.

(Interruptions)

MR. SPEAKER: There is no infringement of rule.

(Interruptions)

MR. SPEAKER: First refer to the rule which has been infringed now.

SHRI DINESH GOSWAMI: Let us know under what rule a Member cannot speak. There can be a closure motion.

(Interruptions)

SHRI DINESH GOSWAMI: There can be a closure motion. I move that there shall be a closure motion to this debate.

MR. SPEAKER: I will not be able to conduct any debate in the House if you do like this.

(Interruptions)

MR. SPEAKER: Nothing doing. If you are going to throttle the voice of democracy, then it is up to you.

(Interruptions)

SHRI DINESH GOSWAMI: Who is throttling democracy now?

MR. SPEAKER: I go according to what the Rules say.

SHRI DINESH GOSWAMI: No time has been allotted by the Business Advisory Committee. There can be a closure motion to close the debate.

(Interruptions)

MR. SPEAKER: It is only a question of principle. There is nothing more, because Heavens would not fall...

(Interruptions)

MR. SPEAKER: But how long shall I go like this? That is the problem.

(Interruptions)

MR. SPEAKER: Knowingly; and willingly, you are not present in the House. You are blaming me.

(Interruptions)

SHRI N.V.N. SOMU: This morning the amendment was taken up. I was present in the morning. The amendment was taken up in the morning. I was all the time in the House this morning.

(Interruptions)

SHRI K.C. PANT: Mr. Speaker, may I say a word to my hon. friends opposite?

(Interruptions)

MR. SPEAKER: Let the House know, let the people know, how the proceedings in the House are being conducted.

(Interruptions)

MR. SPEAKER: It is the same subject.

(Interruptions)

MR. SPEAKER: I am not going to do anything. Nothing doing.

(Interruptions)

MR. SPEAKER: Let the House know and let the people know how the proceedings in the House are being throttled.

(Interruptions)

MR. SPEAKER: Nobody objected to me. I have given you full time. What more I should do, Professor Dandavate?

(Interruptions)

SHRI BASUDEB ACHARIA (Bankura): Why are you not allowing them to speak?

(Interruptions)

SHRI BASUDEB ACHARIA: Without going by majority or minority, Members from all the parties should be allowed to speak.

(Interruptions)

MR. SPEAKER: Majority and minority are done and created by the people and not by anybody.

(Interruptions)

SHRI DINESH GOSWAMI: Sir, I am on a Point of Order, under Rule 363. It says: "Whenever the debate on any motion in connection with a Bill or any other motion becomes unduly protracted, the Speaker may, after taking the sense of the House, fix a time limit for the conclusion of discussion of the debate on any stages". If the Speaker has the power to fix a time limit, if the Speaker has power to take the sense of the House, then you fix up the time limit.

(Interruptions)

MR. SPEAKER: Order, order.

(Interruptions)

MR. SPEAKER: I have already done it. I have not done it on my own. I have already taken the consensus of the House. I am not going to budge from my stand, whatever

you may do. My principle is this. I will not retrace my step.

(Interruptions)

MR. SPEAKER: Even I can adjourn the House, if you like. But I will not allow this.

(Interruptions)

MR. SPEAKER: I want to let the House know that the Speaker is Speaker. He is not dictated but he is guided by the rules.

(Interruptions)

PROF. MADHU DANDEVATE: I rise on a Point of Order, under Rule 364. Kindly open the book. It is on page 170-Rule No. 364. This is regarding the decision of the House as to whether we shall continue the discussion, whether the Member will be allowed to speak. Rule 364 says:

"A matter requiring the decision of the House shall be decided by means of a question put by the Speaker on a motion moved by a member"... Here, no member had moved the motion... *(Interruptions)*. It was a motion made from the Chair...

(Interruptions)

MR. SPEAKER: Professor Sahib, you always ask me to take the consensus of the House. That is what I have done...

(Interruptions)

PROF. MADHU DANDEVATE: Because you are referring to the technical definition, I point out to you that inadvertently you also violated Rule No. 364...*(Interruptions)*. There was no motion before the House.

(Interruptions)

MR. SPEAKER: No. Not like that. Don't jump to conclusions.

SHRI K.P. UNNIKRIISHNAN: There is a

specific rule provided under the Rules. You have to go by that rule.

(Interruptions)

PROF. MADHU DANDEVATE: Even you are convinced that Rule 364 was violated...

(Interruptions)

MR. SPEAKER: No, no.

(Interruptions)

PROF. MADHU DANDEVATE: Sir, your silence is half-consent.

MR. SPEAKER: No question. I will give you time on any other thing, but not today. This must be finished today.

(Interruptions)

MR. SPEAKER: I can adjourn the House. Look here. One thing is clear. If I am to run this House, I am going to run it according to this book of rules, and it is my decision. If my decision is not obeyed, then I am not going to run the House. It is upto you, it is to your good thinking, it is to your cooperation...

SHRI BASUDEB ACHARIA: You are not allowing them to speak. You are pressurizing.

MR. SPEAKER: Nobody could be more liberal, nobody could have given more time; whatever I could, I have given.

(Interruptions)

MR. SPEAKER: Mr. Somu, it is not essential that everybody should get a chance. Always there are certain things. I can allow you at some other time.

(Interruptions)

PROF. MADHU DANDEVATE: By this time three Members would have completed their speeches.

MR. SPEAKER: Even ten might do. But I am not going to budge. It is a question of principle.

PROF. MADHU DANDAVATE: I appeal to you, Sir. We have a right to appeal to you. There is no question of pressurizing here. We are appealing to you. As Members we have a right to appeal to you and as Speaker you have the right to respond to our appeal.

(Interruptions)

MR. SPEAKER: You have got every right to stall this, you have got every right to stall the proceedings, but I am not going to budge from my stand. You may force me to adjourn the House. That I will do...

(Interruptions)

MR. SPEAKER: I will leave it to the better judgment of the people.

PROF. MADHU DANDAVATE: There is no question of pressurizing.

We have a right to appeal to the Speaker and I appeal to you, Sir. Here is a DMK Member who has not been given an opportunity to speak. He may be given a few minutes and after that, the former Defence Minister Shri V.C. Shukla may be given an opportunity.

[Translation]

(Interruptions)

MR. SPEAKER: I will allot as much time as you say to all of them.

[English]

I will allow them later, but not now. I can promise. I will promise that I will allow Mr. V.C. Shukla, Mr. Somu and even Mr. Arif, but not now.

SOME HON. MEMBERS: Why not now?

(Interruptions)

MR. SPEAKER: There is no question. I am the Speaker and I will decide.

(Interruptions)

PROF. MADHU DANDAVATE: What is the sense in allowing Mr. Shukla or the DMK Member to speak after the Motion is passed? *(Interruptions)* After the Motion has been passed, what is the sense in allowing them to speak? They can only pay homage to the Motion that has already been passed.

SHRI K.P. UNNIKRISHNAN: 35 minutes have gone on this.

MR. SPEAKER: It depends on you, not on me.

SHRI K.P. UNNIKRISHNAN: Sir, you made a very unfortunate observation. You said that you would rather be constrained to adjourn the House than allow them....

MR. SPEAKER: What do you say?

SHRI K.P. UNNIKRISHNAN: If I have heard you correctly— I will stand corrected—you said that you would rather be constrained to adjourn the House than allow them.

MR. SPEAKER: No; not that way. I said, not on this now because there has been closure and I have called the Minister. When the other thing comes, I will allow.

(Interruptions)

PROF. MADHU DANDAVATE: No Member moved the closure motion. You moved it from the Chair. From the Chair, obituary references can be made, but unfortunately this motion was made from the Chair.

SHRI K.C. PANT: May I ask one question of Prof. Madhu Dandavate? Prof. Madhu Dandavate, I will ask you a question. Kindly ask the others to sit down. I want to ask one question from Prof. Madhu Dandavate.

PROF. MADHU DANDAVATE: I am prepared to listen to your question, but I am not able to hear.

SHRI K.C. PANT: Kindly ask them to sit down. (*Interruptions*)

Sir, the only question I have to ask Prof. Dandavate is...

PROF. MADHU DANDAVATE: I am prepared to listen. Let the question come through the Chair.

SHRI K.C. PANT: Yes. Yes. The question is coming through the Chair. I am prepared always to learn from Prof. Dandavate. He is an old member. Kindly sit down. Let us do it in an orderly manner. I am not going to say anything to hurt your sentiments. I just want to put a question. Kindly take your seats. I think in a civilised way we can discuss it. Kindly take your seats. (*Interruptions*)

Sir, when this debate started at that time there was lot of shouting on both sides of the House and at that time both sides came to an agreement. The agreement was that we shall hear each other out.

SOME HON. MEMBERS: No.

SHRI K.C. PANT: Why don't you listen to me. Now, my friends opposite want some more speakers to speak. All right.

SHRI BASUDEB ACHARIA: Only two.

SHRI K.C. PANT: I can quite understand that they want more speakers from the Opposition to participate. But the question is who will decide this? Only the Speaker can decide. You are subject to his directions. We are subject to his directions. Prof. Dandavate cannot decide. I cannot decide. So we have to leave it to him. I cannot understand how this House can function unless we obey the Speaker. I would request you, therefore, to accept his final decision, not to question it and not to raise this question at this time when he has

already given his ruling. It is my earnest request to you.

SHRI BASUDEB ACHARIA: I would like to know whether the motion was moved by any member in the House?

SHRI K.C. PANT: Even after that the Speaker has the right to decide. It is under the rules for the Speaker to decide and not for you and me to decide. (*Interruptions*)

PROF. MADHU DANDAVATE: Through you, Mr. Speaker, I would ask a simple question. He is perfectly right that Mr. Bhagwat Jha Azad and Shri Jagan Nath Kaushal suggested that on both the sides let us listen to each other. Therefore, in the same spirit and tone I would suggest to you that both of us should listen to each other. Let them listen not to all of us but at least to two of us. That is all. It is in continuation of the same spirit. Let us jointly appeal to the Speaker.

SHRI K.C. PANT: I have been brought up in an atmosphere of discipline and I do not think the discipline of the House can be maintained if we question the Speaker's ruling. I will never do that. He has given a ruling and I abide by it and I expect you to abide by it. (*Interruptions*)

PROF. MADHU DANDAVATE: Sir, I am not challenging your ruling but the Member has always the right to appeal to the Speaker. I made it clear that I do not want to challenge any of your ruling but I want to appeal and I would say in the same spirit we should listen to each other (*Interruptions*).

SHRI K.C. PANT: Therefore, Sir, if hon. Members...

PROF. MADHU DANDAVATE: Let Shri K.C. Pant and Mr. Dandavate appeal to the Speaker that two more speakers may be allowed so that...(*Interruptions*).

SHRI K.C. PANT: I have a better counter offer. Let us jointly uphold the dignity of the Chair. That is my counter offer to you.

[Shri K.C. Pant]

Would you not like to uphold the dignity of the Chair? How will this House function unless we obey the Chair? I do not have to tell this to a senior member like Prof. Dandavate. So, my request is that you abide by our original agreement.

PROF. MADHU DANDAVATE: Sir, when there was a no confidence motion on the Kuo Oil Deal, Mr. Paswan said, I would like to make a submission. Speaker said: Kindly go ahead. Mrs Gandhi got up and said: I have no objection, Sir, if one more speaker is permitted. And the Speaker allowed Mr. Paswan to speak. After that, Mrs Gandhi replied to the debate.

The same tradition and convention should be followed. That's all I want to submit to you, Sir.

SHRI V. SOBHANADREESWARA RAO (Vijaywada): There were earlier some precedents allowing some Members to speak.

(Interruptions)

SHRI SOMNATH CHATTERJEE: Sir, no time-limit was fixed. Mr. Deputy Speaker allowed other business to be intervened and we did not object. We cooperated with that... *(Interruptions)*... We cooperated with them. This is the way they are retaliating.

(Interruptions)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF FOOD AND CIVIL SUPPLIES SHRI (H.K.L. BHAGAT): I am raising a point of order.

(Interruptions)

SHRI K.C. PANT: Who is retaliating:

(Interruptions)

SHRI SOMNATH CHATTERJEE: This debate was interrupted. The list of busi-

ness was changed. The order of business was changed. We never objected to that.

(Interruptions)

SHRI S. JAIPAL REDDY: He took two hours to make a three-line statement.

(Interruptions)

SHRI H.K.L. BHAGAT: I am raising a point of order...*(Interruptions)*... You listen to me...*(Interruptions)* What is the difficulty? You listen. I am speaking...*(Interruptions)*... Nobody can dispute that the final authority to decide the duration of the debate is the House itself. Secondly, the motion has been put by the Speaker to the House...*(Interruptions)*... Thirdly, Rule 366 says:

"366. A Member shall not speak on a question after the Speaker has collected the voices both of the Ayes and of the Noes on that question."

After he has put it to the House, nobody can speak. Unfortunately you are not only violating one rule, you are violating all the rules...*(Interruptions)*... You are obstructing...*(Interruptions)*... Yes, the intention is to obstruct the proceedings as you have been doing before. Unfortunately you are not responding to the spirit with which we have tried to cooperate even to accommodate your point of view. You are deliberately obstructing. We will not allow to be blackmailed and hold the House to ransom.

PROF. MADHU DANDAVATE: Mr. Parliamentary Minister...

(Interruptions)

SHRI H.K.L. BHAGAT: And you dispute my proposition legally! Is the House final authority? You say: No! Has the motion been put? No! Can you speak after that? Mr. Dandavate, you are perhaps the senior-most Member and you violate the Rules

more often than anybody else. How are you saying that? Every minute you say: "Under what rule?" We want to learn from a senior man. Unfortunately you are speaking after the motion has been put.

(Interruptions)

PROF. MADHU DANDAVATE: Mr. Speaker, Sir, I have quoted a precedent. In the last Lok Sabha during the no confidence motion debate on Kuo Oil Deal when the debate was completed and Mrs Gandhi was to reply, Mr. Paswan said: Give me few minutes. Speaker said: Not possible. Prime Minister said as a leader of the House: I have no objection. And he was given five minutes and after that Mrs Gandhi gave a reply to the no confidence motion.

I say that the same tradition and convention must be followed. That's all I have to say.

(Interruptions)

SHRI H.K.L. BHAGAT: Sir, now under rule 363(2), I move: "That the question be now put."

SHRI DINESH GOSWAMI: All right.

(Interruptions)

SHRI H.K.L. BHAGAT: Already the closure motion has been moved. Even this is not necessary and you can't speak after that.

(Interruptions)

SHRI DINESH GOSWAMI: Sir, we support the closure motion. It is all right.

(Interruptions)

MR. SPEAKER: You wanted a closure motion like that!

(Interruptions)

SHRI S. JAIPAL REDDY: Let it be put to vote.

SHRI DINESH GOSWAMI: That means that there will be no reply.

(Interruptions)

PROF. MADHU DANDAVATE: You may create difficulties for Mr. Pant also.

(Interruptions)

SHRI BASUDEB ACHARIA: Yes, yes. We support this closure motion.

(Interruptions)

SHRI K.P. UNNIKRIISHNAN: He has already moved a closure motion. I support the motion moved by the Minister of Parliamentary Affairs.

(Interruptions)

MR. SPEAKER: The question is:

"That the question be now put."

The motion was adopted.

(Interruptions)

AN HON. MEMBER: No further debate. The Minister cannot reply.

(Interruptions)

MR. SPEAKER: They have a right to reply.

PROF. MADHU DANDAVATE: On a point of order. Kindly see page 169 of the Rules of Procedure and Conduct of Business in Lok Sabha. Rule 362(2) says:

"Where the motion: 'That the question be now put' has been carried, the question or questions consequent thereon shall be put forthwith without further debate."

SHRI H.K.L. BHAGAT: There is a proviso also.

"Provided that the Speaker may allow a member any right of reply which he may have under these rules."

so, it is provided already in the rules.

SHRI K.C. PANT: Yes, this proviso is there.

MR. SPEAKER: Yes, the proviso is:

"Provided that the Speaker may allow a member any right to reply which he may have under these rules."

Yes, Mr. Pant.

THE MINISTER OF DEFENCE (SHRI K.C. PANT): Mr. Speaker, Sir, I do not understand how the House can function if there is this kind of shouting after the rules have been framed and followed. Everybody has gone through the process of the closure motion. At this stage to obstruct the proceedings of the House is not fair. After all, we have a very large majority. We are several times your number. We have heard your speeches. Is this the way to behave in the House? Do you think that Prof. Dandavate can speak a word if we do not want him to speak? I do not know if this is the way you want the House to be conducted. Kindly listen. Do not go beyond the point....*(Interruptions)*.

I am grateful to hon. friends from both sides of the House who have participated in the debate, and I think many of the speeches were made in constructive spirit.

The motion that I have tabled is before the House; the amended motion is also there. In the meanwhile, Members opposite have also tabled... *(Interruptions)*.

SHRI N.V.N. SOMU: Sir....*(Interruptions)**

MR. SPEAKER: Either you withdraw from the Houses or sit down. It is too much. Please sit down. Nothing doing. Not allowed. I have not allowed this gentleman.

*(Interruptions)**

MR. SPEAKER: Nothing is allowed. This is too much, please sit down. No, not allowed.

[*Translation*]

*(Interruptions)**

MR. SPEAKER: Mr. Acharia, you please sit down.

...*(Interruptions)*...

[*English*]

SHRI K.C. PANT: Sir, we have heard hon. friends opposite and now the time has come....

*(Interruptions)**

MR. SPEAKER: Mr. Somu, I will ask you to withdraw from the House if you persist like this.

*(Interruptions)**

MR. SPEAKER: Please do not force me. Please sit down. Nothing goes on record.

*(Interruptions)**

MR. SPEAKER: Please don't do like this. It is too much.

*(Interruptions)**

MR. SPEAKER: I cannot do anything.

*(Interruptions)**

[*Translation*]

MR. SPEAKER: Why you behave like this. Do not say anything wrong. Please sit down.

(*Interruptions*)*

[*English*]

SHRI DINESH GOSWAMI: Sir, I am on a point of order under Rule 362. Please listen to me.

(*Interruptions*)*

SHRI SAIFUDDIN CHOWDHARY: The Minister has no right to speak.

... (*Interruptions*)* . . .

[*Translation*]

MR. SPEAKER: Why you behave like this.

[*English*]

I have given my ruling and that is irrevocable. I never disallow any Member and I have told that there is another motion coming up on this very subject, and then I will allow you to speak.

(*Interruptions*)*

MR. SPEAKER: I am not going to budge.

(*Interruptions*)*

MR. SPEAKER: I am not going to change my stand.

(*Interruptions*)*

[*Translation*]

MR. SPEAKER: You are a good person, so why are you doing like this?

[*English*]

SHRI K.P. UNNIKISHNAN: Sir, I am on a point of order under Rule 362.

(*Interruptions*)*

MR. SPEAKER: Nothing doing. I have already asked him....

(*Interruptions*)*

SHRI K.C. PANT: Sir, on a point of order....

(*Interruptions*)*

SHRI SAIFFUDIN CHOWDHARY: Did you seek his permission to speak?

(*Interruptions*)*

SHRI DINESH GOSWAMI: The right of reply is not regarding the other subject. Under Rule 362, will you kindly permit me...

(*Interruptions*)*

SHRI K.C. PANT: My point of order is, can anybody challenge the Speaker's ruling? You cannot challenge the Speaker's ruling.

(*Interruptions*)*

MR. SPEAKER: Rules are there to be cared for and respected. If you do not care for the rules, why do we make them? The Speaker has to conduct the House, so let me conduct it.

PROF. MADHU DANAVATE: Shri Somnath Chatterjee has to say something.

(*Interruptions*)*

MR. SPEAKER: I have heard more than that, what more can I do? Nothing doing.

(*Interruptions*)*

MR. SPEAKER: You have been the Chairman and still you are trying to interrupt the proceedings.

(*Interruptions*)*

MR. SPEAKER: I have heard so much and I think the whole House is full of noises.

SHRI K.C. PANT: Sir, is it not fair that the Government's point of view should now be heard, after we heard them for two days what all they had to say? After all Government...

SHRI BASUDEB ACHARIA: With whose permission are you speaking?

SHRI K.C. PANT: With the Speaker's permission.

SHRI BASUDEB ACHARIA: No, you have not taken his permission.

SHRI K.C. PANT: With the Speaker's permission only I rose to speak.

*(Interruptions)**

15.00 hrs.

SHRI SOMNATH CHATTERJEE: Should someone be allowed to speak on this motion or not Sir? This is the main motion. You are allowing that....*(Interruptions)*

SHRI K.C. PANT: Sir, there are occasions in Parliament when tempers rise...*(Interruptions)*

SHRI N.V.N. SOMU: Sir, I should be allowed to speak...

(Interruptions)

SHRI N.V.N. SOMU: The whole world is laughing at you!...

(Interruptions)

MR. SPEAKER: Will you please take your seat now?

SHRI M. RAGHUMA REDDY (Nalgonda): He must be allowed...*(Interruptions)*

MR. SPEAKER: Then you come and

take the chair and conduct the House. Not me.

*(Interruptions)**

MR. SPEAKER: Not allowed.

*(Interruptions)**

MR. SPEAKER: No. Nothing is allowed.

*(Interruptions)**

MR. SPEAKER: Nothing goes on record.

*(Interruptions)**

MR. SPEAKER: You have seen him. See his behaviour!

(Interruptions)

MR. SPEAKER: Will you withdraw from the House now? Will you withdraw from the House?

SHRI N.V.N. SOMU: We have wasted one hour... *(Interruptions)*

MR. SPEAKER: Not me. You have wasted. You withdraw from the House please. Please withdraw.

SHRI N.V.N. SOMU: Three minutes will do for me.

(Interruptions)

SHRI AMAL DATTA: You have taken one full hour...*(Interruptions)*

SHRI HANNAN MOLLAH: Sir, you are the custodian of this House...

(Interruptions)

MR. SPEAKER: What custodian? What are you doing then? You must be feeling proud of what you are doing.

*(Interruptions)**

MR. SPEAKER: I cannot allow this.

*(Interruptions)**

SHRI K.C. PANT: Sir, I would like to tell my hon. friends that an impression would go round the country that they are afraid of listening to the Government's point of view, because that is the right point of view. They want to drown our voice. They will never succeed in this...*(Interruptions)*. Why are they so apprehensive if the Government puts its view? Are they afraid that the people will be converted? *(Interruptions)*

SHRI K.C. PANT: Why do you want to drown our voice? Hear me. I have heard all of you. Why don't you hear me? This is not the way that Parliament can run. There are Members on this side and that side and we should have respect for each other.

(Interruptions)

SHRI K.C. PANT: Please Somu, it is not for me, it is for the Speaker to decide. He has decided. I have all respect for you, personally. But I am afraid that the brief contribution that you have made is not very illuminating.

(Interruptions)

SHRI K.C. PANT: Therefore, Sir, I would like to proceed further and I would like to appeal to my friends—it is an appeal—that we should now proceed with the business in hand.

(Interruptions)

SHRI K.C. PANT: Through the Chair, I appeal to you.....

(Interruptions)

SHRI K. C. PANT: Now, I think we should go ahead with the business of the House. It is a question of principle. It is a question of not challenging the authority

of the Speaker. That is the basic question.

MR. SPEAKER: Are you right what you are saying?

SHRI K.C. PANT: Unless we observe the rules of the game, I do not see how can carry on, in this House.

(Interruptions)

SHRI K.C. PANT: Please, request all the Members to sit down. That is the only way we can proceed.

(Interruptions)

SHRI AMAL DATTA: Sir, the rights of political parties are being scuttled. It is our principle to stand.....

(Interruptions)

SHRI AMAL DATTA: It is a most unfortunate situation.

(Interruptions)

SHRI K.C. PANT: Now, sir, I think they will allow me to proceed!

(Interruptions)

SHRI K.C. PANT: There is no intimidation. The Speaker is final.

MR. SPEAKER: If there is any intimidation, it is on me.

(Interruptions)

MR. SPEAKER: I am being heckled. My rulings are being trampled with. The whole procedure is coming to nought without rhyme or reason. Because I have done it, you should obey it and you should respond to it. So simple it is. Because if you want me to be the Speaker, then let me do it. Mr. Somu I can give you a guarantee.

(Interruptions)

SHRI N. V. N. SOMU: I will not take more than three minutes.

MR. SPEAKER: No. There is no question of ten minutes. There is no question of one hour. I can give you three hours but not now. Today, it will not be given.

(Interruptions)

SHRI N.V.N. SOMU: Sir, we have wasted one hour.

(Interruptions)

MR. SPEAKER: You don't have any decency even to withdraw when I said withdraw. What sort of Member you are?

(Interruptions)

SHRI V. SOBHANADREESWARA RAO: Is there any significant guideline?

(Interruptions)

MR. SPEAKER: If I am to change my rulings, then I am no longer a Speaker. I am not going to change, whatever may come. It is your job to run the House.

(Interruptions)

SHRI ARIF MOHAMMAD KHAN (Bahraich): Did you notice this? Sir, it is a threat to parliamentary democracy. It has hit me in my head.

(Interruptions)

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION AND MINISTER OF STATE OF THE MINISTRY OF TOURISM (SHRI JAGDISH TYTLER): Mr. Arif, the man, who is sitting in your back has thrown at you.

(Interruptions)

SHRI ARIF MOHAMMAD KHAN: Now, are you not feeling ashamed of it? Sir at

least now, you must react to this. You must look at us. You are only looking to that side. They are hitting us. At least, make some observations.

*(Interruptions)**

SHRI K.C. PANT: I would appeal to the leaders of the Opposition, of all the parties, to see that some kind of an order is maintained in the House. *(Interruptions)*. It is upto the leaders of the different parties....

MR. SPEAKER: Don't shout. Without my permission, nothing goes on record.

*(Interruptions)**

SHRI K.C. PANT: Please see that some kind of an order is maintained. We are all collectively responsible to this House. We have mutual respect for each other; and if you want to run this House...

(Interruptions)

SHRI BASUDEB ACHARIA: Tell them...
(Interruptions)

SHRI K.C. PANT: Yes, I tell all the sections. I am not saying that only one section is responsible. We have to cooperate with each other. Otherwise, the House cannot run. If people outside the House get the impression that the Opposition is afraid of listening to the truth, then you will be responsible. *(Interruptions)* You are obstructing the proceedings for the last so many minutes. I have not said anything. I have been called by the Speaker. I am not yielding to you. I have been called by the Speaker. I have not stood on my own. The question is: "Do you deny me the right to speak, now that I have heard you for two days?" *(Interruptions)*. That is what you are doing. Leave aside the fact that I am the Minister. I am also a member of standing. I have been here for 25 years. Do you deny me the right to speak, when the Speaker has asked me to speak? Is that the right procedure? *(Interruptions)* I am nobody to

allow. It is for the Speaker to allow. (*Interruptions*) No.

I think what I have to say is that I have followed the Speaker's ruling. This is what I have to say, and that is the only way the House can function. If the House is to function in an orderly manner, we must obey the Speaker. There is no other way. (*Interruptions*)

PROF. K.K. TEWARY (Buxar): Sir, you asked him to withdraw. But he has not. (*Interruptions*). You do not see what other hon. Members are doing. You are strict with us. But when he has used such a language against the lady Member... (*Interruptions*) What is happening? There is a way of discussing things. (*Interruptions*)

MR. SPEAKER: Order, order.

PROF. K.K. TEWARY: He is abusing the lady Member, Sir. (*Interruptions*) You are not doing anything. (*Interruptions*)

MR. SPEAKER: I cannot hear. (*Interruptions*)

PROF. K.K. TEWARY: Sir, you must function. What is happening?

(*Interruptions*)

SHRI K.C. PANT: This is what you people want. (*Interruptions*) Can you keep anybody quiet?

[*Translation*]

MR. SPEAKER: Please listen to me. In this uproar I was not able to hear if anybody abused or not. I was able to understand this much that something wrong is going on.

(*Interruptions*)

MR. SPEAKER: If 20 persons speak simultaneously, I cannot hear anything. Please keep quiet, and listen to what I say.

(*Interruptions*)

MR. SPEAKER: Please listen to what I am saying.

(*Interruptions*)

SHRI HARISH RAWAT (Almora): He has insulted the lady Member.

MR. SPEAKER: If he has said anything wrong, then my ruling does not change. It is the same what it was yesterday. If anybody commits anything wrong in the House, that is condemnable.

SHRI HARISH RAWAT: He has used abusive language for Mamata Banerjee.

(*Interruptions*)

MR. SPEAKER: What can I do? I am just seeing that.

(*Interruptions*)

MR. SPEAKER: Let me hear. Nobody is listening to me.

(*Interruptions*)

MR. SPEAKER: Will you allow me to say something? Nobody allows me to listen to anything. What can I do?

(*Interruptions*)

MR. SPEAKER: What are you doing? Nobody in this House is feeling ashamed. What will people be saying about us? What a fun we are making of the Parliament? One thing that I want to say.

[*English*]

Mr. Somu, I ask you to withdraw from the House.

(*Interruptions*)

SHRI N.V.N. SOMU: Please give me a chance to clarify my position.

(*Interruptions*)

MR. SPEAKER: I ask you to withdraw from the House.

SHRI N.V.N. SOMU: I never intended to offend the lady member. *(Interruptions)* I said only about Bofors.... *(Interruptions)*

MR. SPEAKER: I asked Mr. Tewary to withdraw from the House and he did it. I asked this member to withdraw from the House, but he did not do it. It is upto you. What can I do? If you do not support me in this, how can I run the House like this?

(Interruptions)

SHRI BASUDEB ACHARIA: Why was he asked to withdraw from the House? What did he say?

MR. SPEAKER: He has said so many things which I cannot even explain.

(Interruptions)

SHRI N.V.N. SOMU: Let me clarify my position clearly. What I said was about Bofors...*(Interruptions)* If the lady member felt offended, I regret for it. I did not offend her. *(Interruptions)*

MR. SPEAKER: You first apologise.

SHRI N.V.N. SOMU: I did not offend her. If she felt offended, I regret for it.

(Interruptions)

MR. SPEAKER: He has apologised.

PROF. K.K. TEWARY: Where has he apologised?

MR. SPEAKER: I have heard that. It is on record. He has apologised.

(Interruptions)

SHRI K.C. PANT: I do not want to take the time of the House in repeating what I said in my opening statement or what has been said by my colleagues on this side of the House.

MR. SPEAKER: I have asked him to

reply.

(Interruptions)

[*Translation*]

MR. SPEAKER: Mr. Acharia, you have exceeded the limit *(Interruptions)*

MR. SPEAKER: Mr. Sukla, please sit down.

(Interruptions)

[*English*]

SHRI K.C. PANT: The Opposition has been trying to create an impression that the Government is not interested in getting at the truth in the matter of payments by Bofors.

In the face of the facts placed before the House and the steps taken by the Government ever since the publication of the Swedish National Radio report in Indian newspapers the Government's seriousness of purpose cannot be questioned by any unbiased observer. I was listening very carefully to the debate and I did not hear anybody faulting the Government on the steps it had taken since April. I have given the dates in my statement already. Not only did the Government immediately approach the Swedish Government, and of course made inquiries of Bofors, but our Ambassador even approached the Swedish Radio seeking substantiation for the allegations it had made. The Radio promised that they would give the facts but those disclosures have not come even to this day. The net result was that the Swedish Government re-confirmed the precautions taken by the Government of India to exclude middlemen and Bofors denied making any illegitimate or illegal payments, the only payments acknowledged by Bofors in their letter of 24th April, 1987 were for the reimbursement of consultancy services within the areas of marketing and counter-purchasing, and those made to a Swiss company which according to Bofors were completely legal.

Bofors also states categorically that the

company did not make any payments of the kind alleged by the media.

You see how much easier it is to listen when you keep quiet.

It also says that the payments were not made to any Indian company or Indian citizen and had no connection with the winning of the contract.

If the Government were not anxious to clear the air, or if it had something to hide, the Government could have expressed helplessness at this point of time and left the matter at that. But it did not do so. On the other hand, the Government persisted in its efforts and it is entirely due to the persistence that the Swedish Government (*Interruptions*) established the National Audit Bureau Inquiry on the 29th April, 1987.

I do not think any objective observer would deny the Government the credit for causing information to be uncovered by the Swedish National Audit Bureau appointed by the Swedish Government. (*Interruptions*)

I say 'objective observer'. I talked about objective observers. I am not blaming you. I never blame you for objectivity.

So, Sir, any objective observer would see that if the Government had not asked the Swedish Government and if the Swedish Government had not set up the inquiry of the Swedish National Audit Bureau, then the facts that the Swedish National Audit Bureau has brought forth would not be with us today and this debate may not have taken place. Therefore, even you cannot deny that the Government took a certain step which led to the inquiry which ultimately led to these facts. How can you deny this? (*Interruptions*) How can you deny this? The step that we took was that we approached the Swedish Government, we persisted with them and ultimately the Swedish Government agreed to set up this inquiry. It is not a normal inquiry. It is not a usual thing. It is not an every day thing. Yet the Swedish Government because of the

persistence of the Government of India—what I am saying may not be pleasing to you...(*Interruptions*)... You have no right to interfere me like this. You must understand that I am trying to explain a point of view and you must understand that there are many more of us on this side. Just because we have patience do not tread upon us.

I would like to remind the House that the Government had informed them of the establishment of this inquiry on the 29th April itself. Sir, it is because of the people we are here—so many of us and so many of yourselves(*Interruptions*)

On 4th June, 1987 the report established ...(*Interruptions*)

SHRI BASUDEB ACHARIA: You have been defeated in Haryana, Punjab, West Bengal.

SHRI K.C. PANT: Nobody sitting here has been defeated. The report of the enquiry was received by us on 4.6.1987. The report established prima facie that substantial payments had been made contrary to our expectations and wishes and the assurances we had received.

I can understand Sir, that if they can keep a haze and smoke going and not allow us to speak, they hope to take advantage of it outside. We will never let that happen (*Interruptions*)

We will place before you certainly the facts.

(*Interruptions*)

MR. SPEAKER: Order. Order.

SHRI K.C. PANT: The Government decided to make the report published on the same day and to consult the Leaders of the Opposition on the same day. Now, they are making very much of noise. They forget that the day we received the report of S.A.B., on the same day we consulted the Leaders of the Opposition. (*Interruptions*)

[Shri K.C. Pant]

I had always credited you as being a sober person. Today I find you in different colour. What is the reason?

Sir, all I ask is that publishing the report on the same day, calling a meeting of the Leaders of the Opposition on the same day—are these the actions of a Government which has something to hide? This is a question I put to you. *(Interruptions)*

Sir, the small point I am making is that is the bona fide of the Government established in so far as this matter goes. I have a right to tell you. I have a right to express my opinion. You may not like it. But I am here not to please you. I am here to tell the truth. Sir, if you doubt the bona fide of the Government, my hon. friend, then facts will not speak, facts will become a tool in the hands of politics. My request is that not to allow the facts to be distorted for the sake of politicalisation. That is all. *(Interruptions)* Listen to the facts. Why are you afraid of hearing the facts?

SHRI SAIFUDDIN CHOWDHARY (Katwa) : You should not manipulate the facts.

(Interruptions)

SHRI K.C. PANT: When a CPI(M) Member asks me "Can anybody distort the facts, there is no bigger joke." *(Interruptions)* You can even open a University in this regard. I just said that the Audit Bureau Report spoke of substantial payments. What is the report—you have strayed into that. You are a good man. You should not be doing this Mr. Chatterjee. I just said that the Audit Report spoke of substantial payments. But the report did not give... *(Interruptions)* The report did not give the names of the beneficiary and the circumstances of the payment.

If you are a little silent—little noise does not matter—you hear better.

I was pointing out that the report had this major flaw that it did not give the names of the beneficiaries, it did not give the circumstances of payments and it did not give the services for which payments were made. So, we were confronted with this particular situation...*(Interruptions)*

SHRI S. JAIPAL REDDY: We do agree that Mr. Pant does not know that...*(Interruptions)*

[Translation]

MR. SPEAKER: Mr. Jaipal Reddy, can't you sit silent for a moment even?

[English]

SHRI K.C. PANT: It seems to me that our only mistake is that we are presuming that the opposition is all interested in getting at the truth. Is that a wrong presumption?

SHRI S. JAIPAL REDDY: Yes.

SHRI K.C. PANT: Then why do you not let me speak the facts?

As I said, we did two things. We consulted the opposition and the Prime Minister had a discussion with them. Then we took a decision that a Parliamentary Committee should be set up. A joint parliamentary committee was decided at that time itself—all my friends here know it—on the very day of the receipt of the report.

Now, I have here the contributions of various Members on this particular matter. I will not take time of the House but I will read one or two. Shri Dinesh Goswami on 20th April has said: "You constitute a parliamentary committee of five to seven members. And I am to take it that there are no patriotic Members on this side of the House. Two Members whom you can trust." This is what he said. *(Interruptions)* The noise will not drown us out. This is on record. I have given you the date. *(Interruptions)*. He stands by it. I am not blaming him, but I am merely saying that the JPC request was made by various Members. I give the names... *(Interruptions)*

[*Translation*]

MR. SPEAKER: Alright, Shri Dineshiji has committed no crime (*Interruptions*)

[*English*]

SHRI DINESH GOSWAMI: I stand by the words "two Members whom you can trust". (*Interruptions*)

MR. SPEAKER: You have committed no crime. (*Interruptions*)

SHRI K.C. PANT: Shri Somnath Chatterjee wanted an enquiry. Shri Saifuddin Chowdhary wanted an enquiry. Shri Venkatesh wanted one. And Prof. Dandavate said: "I would like that let there be a Parliamentary Probe" and so on and so forth. And his colleague, Shri Gurupadaswamy, what did he say?

SHRI BASUDEB ACHARIA: You cannot refer to a Member of the other House.

SHRI K.C. PANT: If you do not want it, I will not. You do not want it. The point is well taken. I thought that you had some kindness for Shri Gurupadaswamy. I am mistaken...(*Interruptions*)

Now, it must be realised that setting up of the joint parliamentary committee was an extra-ordinary step. As many friends have said this would be the first committee of its kind.

SHRI AMAL DATTA: Were there kickbacks before? This is the first time that kickbacks have been confirmed.

SHRI K.C. PANT: We cannot approach this matter with flippancy. I am very sorry to say that. We cannot also disregard the implications of such a committee for the future. All I would say is that many of the Members here have their own governments in their States and some of them very wrongly are hoping to form a government at the Centre.

SHRI SAIFUDDIN CHOWDHARY: Let

there be a mid-term poll? (*Interruptions*)

SHRI M. RAGHUMA REDDY: We are prepared to go to the voters... (*Interruptions*)

[*Translation*]

MR. SPEAKER: Please sit down. You have said and they have listened. We shall see when the time comes.

(*Interruptions*)

[*English*]

SHRI K.C. PANT: Why not? I have a right to say? Why should not I say that? You are interrupting me every second. Should you interrupt me every second?

Can't you hear me? Is two minutes too much for you? Is your attention's time so short? I am surprised at you. I am surprised you are continuously interrupting me and your attention's time is so low that within five minutes you interrupt me thrice...(*Interruptions*)

SHRI AMAL DATTA: Sir, he is unnecessarily provocative.

SHRI K.C. PANT: Yes, I will be provocative if you are provocative. Why do you think you have the monopoly of provoking?

MR. SPEAKER: Mr. Amal Datta, why are you becoming so...

(*Interruptions*)

MR. SPEAKER: Saifuddin Ji, you are going to be a good Parliamentarian, but you are spoiling your whole image.

SHRI K.C. PANT: Now I want to come to Shri Jaipal Reddy. Shri Jaipal Reddy is an old friend of mine. I know him for a long time. I have great affection for him. But he had made in the heat of the moment an inexcusable, though minor, error of fact which I want to point out. He said that the joint Parliamentary Committee was set up only to prevent the Bofors delegation from

[Shri K.C. Pant]

coming here. This is what he said. This is on record—"The Parliamentary Committee was set up on the 4th of June". Mr. Bredin came here on the 4th of July. (*Interruptions*) You may have clairvoyance but we in the Government do not have any clairvoyance. It is one month later... (*Interruptions*) Yes, we had announced it on the 4th itself and discussed it. The point I am making is... (*Interruptions*)

SHRI AMAL DATTA: Sir, he has himself made a mistake.

SHRI K.C. PANT: No, I have made no mistake... (*Interruptions*)

SHRI AMAL DATTA: He has said that the Parliamentary Committee was formed on fourth of June.

SHRI K.C. PANT: The point I am making is that when there is a lot of heat... (*Interruptions*). Sir, as I said, it is a minor distortion if you like... (*Interruptions*).

SHRI S. JAIPAL REDDY: There have been some major distortions also.

SHRI K.C. PANT: The point I am making is something different. The point I am really making is that in the dust and din of debate, all of us can make these minor distortions. Does not matter... (*Interruptions*). All right, whether you made a mistake or not, that the record will show. But the point I am making is that we must sometimes bring an objective mind to bear on issues like this when they come before Parliament. What is the strength of this Parliament, Sir? Outside in the whole country, people are watching. We all discuss, we debate. We may have our political differences but if then they descend to this kind of a discussion where I cannot speak and you cannot speak, then I am afraid, the impression we create outside is awful. What do small children learn from us? Therefore, I will request you to be... (*Interruptions*)

SHRI SOMNATH CHATTERJEE: That

is why give them an opportunity.

SHRI K.C. PANT: I know you don't like to hear such things... (*Interruptions*). All right if you think this creates a good impression... (*Interruptions*).

SHRI PIYUS TIRAKY (Alipurduars): Sir, why is he holding the mike?

SHRI K.C. PANT: Yes, I can hold the mike. I am not throwing it at you are anybody else. I can hold it certainly. So, Sir, all I am saying is that facts are sacrosanct, that we should bring a dispassionate mind to bear on the objective on all sides of the House. There may be any kind of issue. But on an issue like this in particular, that dispassionateness must come in. If allegations are taken to be proof, as he has said to my colleagues, then it becomes a very dangerous game. So, I would earnestly request you to keep this in mind. That is why I brought up the matter of facts.

So far as the purpose of the Parliamentary committee is concerned, that does not require any elaboration. The purpose is simple. The Government has nothing to hide. The Government wants to get at the truth and that is why this committee has been set up, regardless of all the sound and fury. Neither the Government nor the conduct of any member of the Cabinet is the subject matter of the present inquiry. What is being inquired into is why did Bofors pay such large sums to certain parties in relation to the Indian contracts. Whether these parties were Indians or foreigners? Whether these payments were contrary to the assurance given by Bofors? These are the questions and these questions do need to be looked into. These questions do need to be answered.

Now, to-day you heard the Prime Minister himself. He said that whoever is found guilty will be punished. He said it openly and he said this is the highest forum in the

land. And I say this categorically. You have heard him. I have nothing more to add.

Now, one aspect has been mentioned by some hon. friends and that is—whether the Government of India, being a client, is coming in the way of Bofors disclosing facts because of confidentiality. That is not a fact and the confidentiality clause is not coming in the way at all. Any Defence Contract is confidential. That is true. But in this particular case the confidentiality of this contract of the Government of India has nothing whatsoever to do with the disclosure or failure to disclose the particulars of the parties who received the payments referred to in the Audit Bureau Report because these payments are definitely part of this contract.

When the Committee comes into being we shall be only too happy to show the contract to the Committee to enable it to satisfy itself on this score.

Now, many friends raised another doubt. They asked me—have you written to Sweden to the Government of Sweden? Have you written to Bofors? What about the excise portion, the portion that has been taken out of the Report? Have you followed that up?

I want to remove any lurking doubts, although I have based on this made my opening statement at some length, but still these points were made. Therefore, with your permission I would read out five points raised in our letter dated 15th June 1987. I would like to read them again. I would like the House to listen to them carefully and then come to its own conclusion.

- (i) The precise amounts which have been paid and the amounts which are due to be paid by Bofors by way of commission, secret payments, etc. in connection with the Indian contracts;
- (ii) The recipients of such amounts, whether they be persons or companies and in the case of latter,

their proprietors/Presidents/Directors, and place of incorporation;

- (iii) The services rendered by such persons/companies with reference to which such amounts have been paid;
- (iv) Copies of contracts, agreements and correspondence between Bofors and such recipients; and
- (v) All other facts, circumstances and details relating to these transactions, in their possession."

Now are all these points not crystal clear? Are they not unambiguous? Is their shadow of doubt that we have sought this information which I am sure my friends Opposite want? So, therefore, on this question I would like to ask you—are these not aimed at uncovering the whole truth?

SHRI SOMNATH CHATTERJEE: They are more powerful than the Indian Government. If they deny this...

(Interruptions)

SHRI K.C. PANT: Again, being an able lawyer he thinks when the facts are inconvenient he should create disturbance. That will not effect me. I can assure him that that will not effect me. I can assure him that that will not change the facts. These are recorded facts.

SHRI SOMNATH CHATTERJEE: Why do you not answer this?

SHRI K.C. PANT: Why do you not listen?

(Interruptions)

SHRI K.C. PANT: I am not yielding.

SHRI SOMNATH CHATTERJEE: Why not?

(Interruptions)

MR. SPEAKER: Order, Order.

SHRI K.C. PANT: The whole problem is that they want to project the image of the Government as being corrupt and the facts go against it.

(Interruptions)

[Translation]

MR. SPEAKER: You have put forward your views. Now let him express his views. He is expressing his views and you express yours.

[English]

Why do you not listen?

SHRI K.C. PANT: I will say whatever is the truth. You cannot stop me of speaking the truth.

[Translation]

MR. SPEAKER: They are speaking to you, you are speaking to them. What is the use of saying things like this?

(Interruptions)

[English]

SHRI K.C. PANT: I will say what is the truth.

(Interruptions)

[Translation]

MR. SPEAKER: He will speak to you and you will speak to him. What is the use of speaking in this manner? The truth will come to light.

(Interruptions)

MR. SPEAKER: You have spoken, now you may please resume your seat.

(Interruptions)

[English]

SHRI K.C. PANT: I now turn to an aspect

of a matter which should cause all right thinking persons to a great concern. Unnecessary doubts have been raised about the weapons system itself. Bofors are renowned manufacturers of defence material and we have purchased weapons from them in the 60s and 70s also which have worked to the entire satisfaction of the Defence forces. The 155 mm Howitzer gun was selected from amongst a variety of competing firms. There was an intense competition. *(Interruptions)*

SHRI K.P. UNNIKRIISHNAN: You are bringing a Motion. *(Interruptions)*.

SHRI K.C. PANT: Yes, are you going to joint, Please sit down. I am going to clarify doubts.

SHRI AMAL DATTA: Why are you still in doubt?

SHRI K.C. PANT: If you want your doubts remain, I will not let them remain. That is what I am saying. Mr. Dutta, you live in doubt. Your second nature is doubt. I cannot help that.

SHRI AMAL DATTA: You put the submarine deal also. *(Interruptions)*

SHRI K.C. PANT: There was evaluation by experts whose lives depend upon such weapons system in times of war. Let us not forget this. It is an important consideration. We must go by judgement of the experts in this matter. The army unequivocally concluded that the Bofors gun and the French guns were the only two guns which deserve in the ultimate analysis to be acquired if the army's expectations were to be fulfilled. The army's final view was that Bofors gun had a slight edge over its competitors. However, both were acceptable and the final decision was left to be made on commercial considerations. One of the key features leading towards a preference for the Bofors gun was its high degree of automation enabling consistent burst-fire capability. Once the technical evaluation was completed, the process of price nego-

tiation started. In the final reckoning, the Bofors gun also happened to be marginally the cheaper one. Also, it requires one member less in its gun crew which meant a saving of Rs. 70 crores over a 20 years life span. Having regard to all these considerations, the contract was awarded to Bofors.

Sir, I would also like to inform the country through this House and through you that at the end of January 1986, the price of total package was Rs. 1688 crores for 400 weapons systems. At the end of March 1986, the contract was finally awarded for an amount of Rs. 1437 crores for 410 guns. The equivalent price of this package for 400 gun systems was Rs. 1427 crores. It would therefore be apparent that in the final phase of the negotiations, a reduction of the order of Rs. 261 crores was achieved. That was a reduction of about 15%. (Interruptions). There was no other detail. I am sure of the Australian company. (Interruptions). I will come to you Dr. Samant. The equipment have started arriving and the army have reaffirmed that it is meeting the army's expectations. To the best of my knowledge, there is no reservation in the army on the wisdom of its choice. Minor faults do occur. But these are attended to by the suppliers representatives whenever specific complaints are made about the quality of any weapon system that we have acquired. We must, of course, look into them. But I would submit to the House that two factors must always be kept in mind. Dr. Datta Samant there are two factors. One is that it is not always easy to acquire sophisticated system as we want them. They are not easily available in the world. Also there are forces in the world today who like to prevent us from acquiring such system. I do not think anybody will question that. No patriot will question that statement. In particular, they are not happy if we start producing the weapon system in this country. In case we succeed nevertheless in acquiring the weapons, they spread disinformation about the quality of the weapon systems in order to demoralise our Armed Forces and create doubts in the minds of the people.

Point two, Dr. Datta Samant, you are a senior Member; young Members do not listen to them. Whenever there is a fierce competition, those who fail to get the orders are ever keen to run down their successful competitors. Is this not a fact? (Interruptions) Don't you all know it? Why do you interrupt? Therefore, whenever anybody does not get an order, he goes and spreads disinformation around. (Interruptions). Sir, I am not saying that everybody does this deliberately? Innocently also, such things are done. Members do not know what papers come to them. After all, I have been a Member of Parliament for years. I have not always sat in the Treasury Benches. We get all kinds of papers and we look into them. Therefore, my duty is only to warn you to be careful regarding such papers given to you. It is my earnest request to all of you, whichever your political belief as well as to the** to be very careful about lending credence or currency to unsubstantiated rumours...

SHRI AMAL DATTA: No reference should be made to them.

SHRI K.C. PANT: ...with regard to the quality of our weapon systems. I will read out again.

SHRI K.P. UNNIKRISHNAN: It should be expunged.

SHRI S. JAIPAL REDDY: No reference to them. Expunged.

PROF. MADHU DANDAVATE: Whenever my wife is sitting there, I will refer to her!

SHRI K.C. PANT: Do not lend credence or currency to unsubstantiated rumours with regard to the quality of our weapon system.

Sir, what is more important is, unwittingly perhaps, when some Members raise some points supplied by these people, they lend respectability to those points. So, I would request them to be very careful. That is all. They are hon. Members. I am

* Expunged as ordered by the Chair.

[Shri K.C. Pant]

sure they have the discretion to look into these papers and decide what to raise, what not to raise. But this is the fact of life. And to ignore this fact of life is to invite serious trouble for this country; not for you, perhaps not for me but for the country as a whole.

Our Armed Forces carry a very heavy responsibility. Therefore, we in Parliament must exercise self-restraint. This is a democracy. There is no whip from outside. Like as I said the last day, the question is, it is one of self-restraint. If we value our institution, we will exercise that self-restraint. If we do not value our institution, we will not exercise self-restraint.

Our Armed Forces are there today. Last week, I was hoping that right in the beginning this matter would come up. I would hear you. I would place my point of view; others, the colleagues of mine would place their point of view and the country would see exactly what the position is. Ultimately, they are the people who decide. You will agree that a patient hearing is what is needed. Last week, when we began this debate, for one week, we had certain amount of commotion in the House. We could not proceed with the debate. I would have thought that if you were so sure of your grounds, why did you not press for the debate; why did you allow the debate to be delayed? (*Interruptions*). All right. You had your reason. I accept your reason.

But in the mean time, something has happened which underlies an important point. That is the happenings in Sri Lanka. You cannot ignore these things. After all, the Army can be called upon at a very short notice to defend the frontiers of the country. It can be called upon at a short time to perform the kind of task, peace keeping task, which it is performing in Sri Lanka today, at the invitation of the Sri Lankan Government. Now, in such a situation, is it not incumbent upon us to see that we do not rely on rumours and spread such stories which will ultimately demoralise our Army?

What is necessary is for us coolly and calmly to consider the implications of all that is happening and whether or not it is likely to raise any doubts in the minds of those who use these guns. (*Interruptions*) Am I imagining things? Are these things not a fact? Am I saying anything which you do not know? I would like on behalf of the House also to congratulate our officers and men of the Army who had gone to Sri Lanka.

PROF. MADHU DANDAVATE: We must congratulate because in spite of these people, they have done a very good job.

SHRI K.C. PANT: So, they have done a very good job. The swiftness and efficiency with which they have functioned and also the speed with which they went, (*Interruptions*) one should be proud of the achievement. (*Interruptions*). These are national achievements. (*Interruptions*)

MR. SPEAKER: Could you behave properly now?

SHRI K.C. PANT: Could we have imagined two or three weeks ago that the agreement between the Prime Minister of India and the President of Sri Lanka would bring peace to Sri Lanka?

(*Interruptions*)

MR. SPEAKER: He is not saying something unparliamentary. He is talking very much sense.

SHRI K.C. PANT: Even he is not claiming that.

(*Interruptions*)

SHRI K.C. PANT: I have learnt all my nonsense from Prof. Madhu Dandavate.

(*Interruptions*)

SHRI K.C. PANT: I was saying that nobody could have imagined and, I am sure my friends will agree, only a few

weeks ago, that the painful situation in Sri Lanka could have ended so well by the agreement between the Prime Minister of India and the President of Sri Lanka. But the point I am making is....(*Interruptions*). Please have patience. You have patience for months when there was strike in Bombay. Here for five minutes you cannot have patience.

DR. DATTA SAMANT: It is not a point for appreciation.

MR. SPEAKER: Why cannot you appreciate something which is good?

(*Interruptions*)

[*Translation*]

MR. SPEAKER: What is this? Does it look nice to you to interrupt the speech every minute?

[*English*]

PROF. MADHU DANDEVATE: He is saying either withdraw the strike or withdraw from the House.

(*Interruptions*)

(*Translation*)

MR. SPEAKER: Mr. Datta, I may not have to say something to you.....

[*English*]

SHRI K.C. PANT: The reason I mentioned Sri Lanka was two-fold. One, I did want the House to congratulate the Armed Force. I want it to say that the Army, Navy and Air Forces, all three, are involved in this exercise and the good wishes of the House are with them. It is with no other purpose.

The second purpose of my mentioning this was that a peace-keeping force has

gone from this country to Sri Lanka, an unusual factor. I do not want to elaborate on it, an unusual factor and it brought a certain amount of kudos to this country. It strengthens our self-respect. It strengthens our pride in our country.

These are the things which I think we should keep in mind even during this discussion because everything has its impact on other things. (*Interruptions*) Some hon. Members have suggested that the Government should have cancelled the contract with Bofors. (*Interruptions*).

Would you like the debate in which I say everything that you want me to say? Could that make you happy?

SHRI BASUDEB ACHARIA: He is saying something which has nothing to do with this.

16.00 hrs.

SHRI K.C. PANT: I would like the House to consider this matter carefully. Firstly, there is a legal aspect. One has to see whether the contract has been demonstrably violated and whether we have legally impossible claims. These things have to be examined. I am sure that Shri Unnikrishnan, for instance who has knowledge in these matters, would not like me to spell out our view on these matters because this is not the time to spell out our views. But there is legal implication. Then, there is the financial implication and that financial implication has also to be kept in mind—not only the direct financial implication but the sub-optimal utilisation of the equipment and weapons already received. There is a question of the infructuous expenditure on the credit availed of, and so on, there are others. But I don't want to reveal our hand. This is not the time for it. But all I can say is that Shri Madhav Reddi mentioned a particular figure—the financial implications are much higher than that. It is not as low as that.

SHRI AMAL DATTA: More than Rs. 1300 crores?

SHRI K.C. PANT: No. I don't think you heard it. This is the trouble with you....
(*Interruptions*) You are so sure of wrong facts.... (*Interruptions*). The confidence with which you repeat, it strengthens my case.

(*Interruptions*)

SHRI AMAL DATTA: Give us the correct figures.

(*Interruptions*)

MR. SPEAKER: Mr. Pant, you have put me on alert. I must be worried about it because I have put him as Chairman of P.A.C.!

(*Interruptions*)

SHRI K.C. PANT: The third aspect we must keep in mind—I am sure, there is no division in the House on this aspect—is the security aspect. We are all aware of the deteriorating situation, environment in this area....

(*Interruptions*)

PROF. MADHU DANDAVATE (Rajapur): Division is only on Bofors.

(*Interruptions*)

SHRI K.C. PANT: On the Bofors gun also, on this matter, there may be no division. So, therefore, in our region we have got to take into account the fact that other countries do possess similar guns. We cannot ignore that. Can you ignore it? Can we ignore it? We have the responsibility to see that the border of this country remains inviolate and we are able to defend our sovereignty and integrity. Therefore, we cannot ignore such factors. Now, if we cancel the contract, other factors beside, it will set back the process of acquiring further guns by at least two years. That is the conclusion of the experts.

(*Interruptions*)

SHRI SAIFUDDIN CHOWDHARY: Why is he arguing in favour of Bofors? He is defending the Bofors.

(*Interruptions*)

SHRI S. JAIPAL REDDY: Sir, I am on a Point of Order.

MR. SPEAKER: There is no Point of Order.

(*Interruptions*)

SHRI S. JAIPAL REDDY: I am on a Point of Order.

MR. SPEAKER: What is your Point of Order?

SHRI S. JAIPAL REDDY: My point is that the Minister is weakening the case of India as against Bofors...

(*Interruptions*)

MR. SPEAKER: Overruled. There is no Point of Order..:

(*Interruptions*)

SHRI SOMNATH CHATTERJEE: It is not proper for the Defence Minister to say that nothing will be done against Bofors.

MR. SPEAKER: There is no question....

(*Interruptions*)

SHRI SOMNATH CHATTERJEE: That is what they are saying.

(*Interruptions*)

MR. SPEAKER: Mr. Jaipal Reddy, what are you doing?

(*Interruptions*)

MR. SPEAKER: You don't agree with him. This is your argument. If you don't

agree with him, that is your point of view. That is all right.

(Interruptions)

SHRI K.C. PANT: I have already said that I am not going to reveal...*(Interruptions)* What is the use of shouting? Shouting will not do anything.

(Interruptions)

SHRI K.C. PANT: What is the use of shouting? It will not disturb me in the least.

[Translation]

MR. SPEAKER: These are your views and they have their own views.

[English]

SHRI K.C. PANT: My hon. friends opposite should have thought of this when they raised this issue. Why did they raise the question? Do they want me to answer it or not? Why did they raise the question? Therefore, these are crocodile tears; there is no credence to this*(Interruptions)* You see the interesting situation, Sir. They raise an issue, and when I answer this, they object to it saying, "You have answered us". This is a very strange situation. *(Interruptions)* I am not yielding. I am not yielding at all.

There was another suggestion: "If you do not cancel the contract, at least you should threaten to cancel the contract." Am I not correct, even that much? Many Members said: "Why don't you at least threaten? Why don't you use the threat as a ploy?" First and foremost, my hon. friends must control themselves and listen to inconvenient facts. It is a part of parliamentary rights....

SHRI SOMNATH CHATTERJEE: It is not inconvenient to me. It is inconvenient to the country.

(Interruptions)

SHRI K.C. PANT: You will never be able to intimidate me. Why do you try again and again? *(Interruptions)*

MR. SPEAKER: What you are speaking is irrelevant.

SHRI SAIFUDDIN CHOWDHARY: Who?

MR. SPEAKER: You.

SHRI SAIFUDDIN CHOWDHARY: Sir, he is speaking for Bofors. He is advancing arguments for Bofors.

(Interruptions)

MR. SPEAKER: Order, please.

SHRI K.C. PANT: Therefore, Sir, the question is whether the Government should have used the threat....

PROF. MADHU DANDEVATE: Mr. Pant, I want to seek a clarification. I do not want to enter into this controversy at this stage. But I just want a clarification. You are trying, from your own point of view, to put forward what are their difficulties in cancelling the contract. I only want to know this from you: Bofors have violated even the norms in Sweden and clandestinely supplied arms to a black-listed country and they are also alleged to be involved in certain malpractices which you are inquiring into—and you are rightly doing it. At this particular juncture giving an assurance that whatever the malpractices you will not terminate their contract—will that not strengthen their position?

SHRI K.C. PANT: As I said, if you had not pointedly asked me again and again, "Why did you not cancel the contract?" perhaps I would not have touched. I did take the Opposition leaders into confidence when we met on 4th June; Prof. Dandavate will remember. I also gave them figures. After all, they are as patriotic as we are, though they are sitting on the other side of the House. I told them everything, including the reasons. But then in the House again the point was raised. It is a material point, it is an important point; and to ignore it, not to say anything, would be wrong. But at the same time, you will have noticed that I have not

[Shri K.C. Pant]

mentioned the quantum of money; I have been very careful; I have not mentioned the legal implications. I have merely touched on them. I have been very careful in that respect. Therefore...

PROF. MADHU DANAVATE: You have sufficiently touched us. Now go to the next point.

SHRI K.C. PANT: Even if you can get touched, then there is hope for Mrs. Dandavate yet.

PROF. MADHU DANAVATE: Nobody who is not in this House can be touched.

MR. SPEAKER: It is a telepathic touch.

SHRI K.C. PANT: About this question of threat, I would like the House to seriously consider this. Should the Government of India make idle threats? The suggestion seems to be that you make a threat and those people will immediately respond. I am not concerned about what Bofors do or what the Government of Sweden do, but I do feel that if we make a threat, it should not be an idle threat; then we should go through with it. We should keep the consequences in mind. I have spelt out all the implications. Then if we hold out a threat and then hold it ourselves back at the last minute, it will erode our credibility completely. Therefore, I am not saying "do this or do that". Whatever you do, you must think through to the last point and not take half-hearted steps and then be caught in jam.

Now, Sir, the most important part for which my hon. friends are waiting is this Motion which is before us. In this Motion...

SHRI S. JAIPAL REDDY: Whether Mr. Win Chadha a non-resident Indian or not?

[Translation]

MR. SPEAKER: You give the question to

me and I will find out.

(Interruptions)

MR. SPEAKER: You are spoiling the whole thing.

[English]

SHRI K.C. PANT: Sir, now, I think the House knows that apart from having tabled a number of motions, we tabled our motions, our friends opposite tabled a number of motions. There were differences in those motions. It is not as though those motions were the same. There were material differences. Then in the last few days, we have had discussions. We have tried to sort out the differences. We have tried to understand each other and I must thank friends opposite for the patience with which they heard me and I think, they should thank me for the patience with which I heard them.

Now, Sir, in the draft motion which they have sent to the Prime Minister, the first thing they said was that this House should elect. I think, 20 Members, the total should be 30 and 10 should come from the Rajya Sabha. And we had earlier proposed 21—14 from this House and 7 from that House. Now we have accommodated them in this respect and we have said, "we will have 30 members, 20 from Lok Sabha and 10 from Rajya Sabha be elected on the basis of proportional representation to enquire into the issues arising from the Report of the Swedish National Audit Bureau relating to the Bofors' contract to supply 155 mm Howitzer guns to India."

Then, Sir, another point that they had made was putting more general terms relating to January 1980 and a whole wide spectrum of purchases etc. etc. But one of the points that emerged was that in so far as Bofors guns acquisition was concerned, what were the procedures laid down and whether they were followed? So, we have put that in. We have accommodated the opposition's point of view. We have said the

Committee shall enquire into the following matters:

- (i) whether the procedures laid down for the acquisition of weapons and systems were adhered to in the purchase of the Bofors' gun.

Then, Sir, they asked for investigation, enquiry into the payments and so on and so forth. But we have gone, I think, beyond that. We have specified the amounts of the Audit Bureau Report. We have not concealed anything. These amounts are there in the Report we have put them in the motion. They have not put it in the motion. And we have asked for the identity of the persons to be also gone into. We would also like to know the purpose and therefore, Sir, what we have said is, "to ascertain the identity of the persons who received, and the purpose for which they have received, payments of the following amounts:

SEK 170-250 million

SEK 29.5 million

SEK 2.5 million

from M/s Bofors (as referred to in the Report of the Swedish National Audit Bureau, received by the Government of India on June 4, 1987)." What I am reading from the motion will come before the House on behalf of the Government.

SHRI SYED SHAHABUDDIN: What about other payments?

SHRI K.C. PANT: Yes. There was the point about other payments. Then we went into that and we have put it this way:

"arising out of the enquiry, if there is *prima facie* evidence that M/s Bofors have in addition to payments mentioned in (ii) above, made any other payments for securing the Indian contracts, the identity of the persons who

received such payments shall be ascertained."

Are you satisfied now? That was the point that you made....(Interruptions)...You are congenitally dissatisfied....(Interruptions)...I am not talking about you.

To determine whether any Indian laws, rules and regulations have been violated either by M/s. Bofors or by persons as indicated in 2 and 3 above; is one of the points in the Motion. Can there be any objections to this? This is what you want to know.

Then the question of submarines was given by them. I have replied in the course of my initial statement as to why we cannot allow the submarines matter to come into it. They are not connected in any way and the investigations are going on and therefore till the investigations are complete, it will be totally premature even to think of it. So, I don't think this is the stage at all and I hope the Hon. Members will agree.

Then there was a question of the Chairman. They wanted a Chairman of theirs. They said that they should have the Chairman. The position is that the Speaker shall nominate one of the Members of the Committee to be its Chairman. That is in the rules of business and that is the normal procedure. We are trying to abide by the normal procedure as applicable to the Committees of Parliament. This is in line with the normal procedure that we have accepted for its formulation.

They also asked that they should have a majority in the Committee...(Interruptions)

SHRI C. MADHAV REDDI (Adilabad): Please read out that particular passage and say where we wanted a majority. It is misleading.

PROF. MADHU DANDAVATE: We want a majority in the country!

SHRI K.C. PANT: Yes. Prof. Dandavate is completely right. If the country sends them in a majority here, they can have a

[Shri K.C. Pant]

majority in the Committee. You will not find that today. I am afraid you are not in that position now. So, we have to accept its realities....(Interruptions)

SHRI E. AYYAPU REDDY: The Hon. Minister had stated that the Opposition has asked for a majority. Mr. Madhav Reddi has asked him to kindly read out the passage and tell us from any one of the Motions as to where have we asked for the majority. Please don't mislead. If it is a fact, say so. In the entire text nowhere have we stated or any one of the leaders of the opposition has stated that we want a majority in the Committee. Is it possible.....

(Interruptions)

SHRI K.C. PANT: I have had discussions with many friends. I am not saying that Mr. Madhav Reddi has said it. But I am very glad that we have agreed on this at least that you should not have the majority. That is the point of agreement now.

Then I come to the question of quorum. The position is that the quorum of the Committee shall be 1/3 of the total strength of the Committee. In the draft that they have given...

(Interruptions)

[Translation]

SHRI ARIF MOHAMMAD KHAN: Sir, hon. Minister is sleeping.

MR. SPEAKER: Sleeping is not unparliamentary, but snoring is unparliamentary. Please tell me if he snores.

PROF. MADHU DANDAVATE: I think he is conceding our suggestions.

MR. SPEAKER: He is contemplating.

SHRI K.C. PANT: About the quorum matter there is no difference of opinion. It is given in the rules. They have suggested 1/3. We think that it is unnecessary because what is contained in the rules need not come into the Motion. But since they wanted, we have included that.

The, Sir,...

SHRI K.P. UNNIKRISHNAN: Thanks for small mercies.

SHRI K.C. PANT: At least some small mercies we have given to you. You have given me none.

Then, Sir, comes the Comptroller and Auditor General. Not only in the Motion but even outside many hon. friends said that you should give us clearly the assistance of certain agencies of the Government. I in my opening speech clearly said that the Government will fully assist this Committee. I said on behalf of the Government in the most categorical and clearest terms. I do not think this is necessary also but in order to accommodate their point of view even that we have put in. This is how it reads:

"That the Comptroller and Auditor General of India and the Attorney General of India will provide assistance to the Committee, as necessary."

Then we have agreed to the investigating agency. Again it was not necessary to put it in. It was inherent in what I had said in my opening statement but we have again respected their wishes. What we have said is:

"That the investigating agencies of the Government of India shall render such assistance to the Committee as may be required by it for the purposes of its enquiry."

Then comes the Committee's powers to ask for and receive evidence. Now in this matter the rule already provides also for receiving evidence and so there is nothing really to be said here except one thing and, that is, my hon. friends said that we would like to be in a position to request Bofors or other persons in Sweden who are connected with the enquiry relevant to this issue we would like them to come here if

they want to come. So we have taken that into account and tried to accommodate them there also. I read the provision:

"The Committee shall have the power to ask for and receive evidence, oral or documentary, from foreign nationals or agencies provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Speaker whose decision shall be final."

SHRI SOMNATH CHATTERJEE: How will he decide? Then he will have to go through the entire record and the entire proceedings. It is wonderful. They are unnecessarily trying to involve you. You should observe that you are not a party to it. (*Interruptions*)

[*Translation*]

MR. SPEAKER: I think, the Committee should do this entire work.

[*English*]

SHRI BASUDEB ACHARIA: This is an observation from the Chair.

SHRI K. C. PANT: They wanted that the Committee should have...

[*Translation*]

PROF. MADHU DANAVATE: There is lot of work in this House, so why are you putting so much burden.

SHRI K. C. PANT: How much burden you have put on him? He shouted for one hour but you did not listen to him.

[*English*]

If you were kinder to him the Speaker

would have had a much easier time. (*Interruptions*)

Now the country will judge whether we have accommodated you or not. Shouting here is not going to settle this issue. If you go outside the people will decide and I am sure that is what you are afraid of. (*Interruptions*) Now they want that the Committee shall have the powers to summon any Minister for oral examination. We went into this question. One example which was given by somebody was about the practices in other countries. In the USA, for instance, the Ministers do appear before sub-committees. They have a system in which the Ministers are not Members of Parliament of either House and they go before the committees but they do not go before Parliament. They are not answerable to the Members of Parliament. In the Westminster model, on the other hand, the Ministers are answerable to Parliament. They don't go before the Committees. Here in this country also, we have adopted this pattern.

Sir, I would like to quote from Kaul & Shakhder:

"A general power is given to a Parliamentary Committee by Rule 270 of the Lok Sabha Rules which states that a Committee shall have power to send for persons, papers and records."

But direction 99(1) of the Directions by the Speaker Specifically mentions that:

"A Minister shall not be called before the Committee (In this instance, it refers to the Financial Committees) either to give evidence or for consultation in connection with the examination of the estimates or accounts by the Committee."

SHRI BASUDEB ACHARIA: This is an extraordinary committee.

SHRI K. C. PANT: That's all right. I am telling you what the position is.

[Translation]

MR. SPEAKER: Please sit down.
(Interruptions)

[English]

SHRI K. C. PANT: So they have given other factors in this. Finally, from the above, it will be seen that the formal evidence of the Minister is thus not recorded. Then, Sir...

PROF. MADHU DANDAVATE: Take Mr. Shakhder's evidence. You will find that his opinion is different.

SHRI K. C. PANT: Have you developed some more influence on him in the meantime?

SHRI SOMNATH CHATTERJEE: These are reflections against a person who is not a Member of this House to say that Mr. Shakhder has been influenced. (Interruptions)... This is worse than a joke.

MR. SPEAKER: It is just a joke.

SHRI K. C. PANT: Where is your sense of humour, Mr. Chatterjee? (Interruptions)

SHRI SOMNATH CHATTERJEE: If it is a joke, it is a very cheap joke.

SHRI K. C. PANT: Now, I quote from May's Parliamentary Practice:

"...members of the Commons (including, of course, many of the Ministers)—after all, a Minister is a member of this House—are not summoned to a Select Committee, but can be invited to attend. Only an order of the House itself can require a member to attend a Committee."

This is the position.

Now, my hon'ble friends nevertheless are keen and we are equally keen to find the way if we can accommodate them. Sir, I have seen the Opposition draft and I don't want to go into all the considerations. I have given some of the considerations. The most important of that is that so far, the Ministers are not summoned by Committees. But they can go on their own. So, in this case, as my friend was saying, keeping in mind the special nature of the Committee, the Government will be prepared to let the Ministers go before the Committee if the Speaker, after ascertaining the view of the Committee... (Interruptions)... Yes, the Speaker, because that is the right thing to do. We have full confidence in the Speaker.... (Interruptions) ... if the Speaker, after ascertaining the views of the Committee feels that a Minister's appearance is necessary for the purpose of the inquiry. Here also, we have stretched as far as we can to accommodate the point of view of my friends opposite.

Then, they wanted us to waive the Official Secrets Act. That is not possible because that comes under the statute. Our motion here cannot negate the statute....(Interruptions)...

One Point on which we had a long discussion was in relation to allowing the Committee or some of the members to go abroad. One of them - I will not name him—did catch the point that there may be difficulties. I also see some. For instance, if the Committee wants to go to Sweden, they must get permission for Sweden. If they want to take evidence of some party, that party must be agreeable to come before it and so on. If that is done without a very careful prior preparation, then it can create problems. After all, they represent Parliament as a whole. A Committee of Parliament is a reflection of Parliament. This Parliament is a reflection of the country. Any kind of insult of one of our Committees is an insult of the whole country. This is how we look at it. Even then, we tried to accommodate them, and what we have done is this. Before I read it out, I must say that if they are disappointed at our

attempts to accommodate them, that only means that they have pre-judged the issue, otherwise why should they not listen? They have prejudged the issue. Please do not make the country see through you. They would see through you. For your own sake, I am advising you. I will quote what we have proposed in the motion:

"If the Committee wish to nominate a Sub-Committee to visit a foreign country for specified purposes connected with the enquiry, the matter shall be referred to the Speaker who may take such decisions and give such directions as he thinks fit, provided that such sub-Committee shall not hold sittings, record evidence or take decisions in a foreign country."

Then, the next is another aspect relating to rules of procedure. It says:

"That in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make.

That the Committee shall make a report to this House by the last day of the first week of the next session of Parliament.

That this House recommends to the Rajya Sabha..." etc.

This is the motion. As I have just explained, the Government has gone to the utmost length to accommodate the point of view of my friends opposite. We have done so in the belief and on the assumption that, as I said in the beginning, they are as interested as we at getting at the truth. If they are interested only in a star chamber... (*Interruptions*).

SHRI S. JAIPAL REDDY: Mr. Speaker, Sir...(*Interruptions*)

[*Translation*]

MR. SPEAKER: Will you allow the proceedings in the House to continue or not? Now you please sit down.

(*Interruptions*)

MR. SPEAKER: You give me in writing and I will find out about it.

(*Interruptions*)

MR. SPEAKER: Not now, but you give me in writing and I will find out about it.

[*English*]

SHRI K. C. PANT: It is now for the country to judge as to whether we have anything to hide or whether our friends opposite would like to disregard the facts and continue to create an impression which pays them politically. This is the issue which the people will have to judge.

I know, there are political differences. I know you would like to exploit the issue, but I must say that this House at least must act in a manner which appears objective to people outside. They must examine the facts with objectivity... (*Interruptions*).

SHRI S. JAIPAL REDDY: Mr. Speaker, Sir..... (*Interruptions*)

[*Translation*]

MR. SPEAKER: Now you please sit down. You give me the question and I will find out.

[*English*]

SHRI K.C. PANT: If this House is sought to be converted into a star chamber where we make decisions before we come here, and we ask for a Committee only to confirm our worst suspicions, I am afraid, we cannot make progress. We cannot also oblige them. We would like truth to come out. Why are they insisting on more Members or the Chairman from the oppo-

[Shri K.C. Pant]

sition. Why is it? In the normal course in a Parliamentary Committee a certain number of Members should be from the opposition and certain number of Members from here. And the Chairman will be from the larger Ruling Party.

(Interruptions)

SHRI K. C. PANT: Alright, but you are suspecting our Members of being partisan, are you not? You say that, if you are in a majority, how will the truth come out? Now, alright we are partisan, but by saying this do you not raised doubts of your being partisan? Are you not partisan? Don't you have political motives? Are you without political motives?

(Interruptions)

MR. SPEAKER: Order, order.

SHRI K. C. PANT: So, let us not fool each other. Let us not bring the level of debate down. I understand your objectives. All of us here understand, but we still have to work together.

SHRI AMAL DATTA: I want to know whether Win Chadha is a non-resident Indian or not?

MR. SPEAKER: You give me in writing, I will find out.

SHRI K. C. PANT: We have to work together in this House and I have gone to such length only in the hope that our friends will join us in the Committee; that we shall be able to go ahead with this Committee and will be able to discharge the responsibility that we owe to this House and the country. Thank you.

MR. SPEAKER: You have to move.

SHRI K. C. PANT: Sir, with these words I move the amendment No. 7 to the original motion.

I beg to move:

"That the original motion may be amended to read as follows:-

- (1) That a Joint Committee of both the Houses consisting of 30 Members, 20 from Lok Sabha and 10 from Rajya Sabha, be elected on the basis of proportional representation to enquire into the issues arising from the Report of the Swedish National Audit Bureau relating to the Bofors' contract to supply 155 mm Howitzer guns to India.
- (2) The Committee shall enquire into the following matters:-

- (i) whether the procedures laid down for the acquisition of weapons and systems were adhered to in the purchase of the Bofors' guns;

- (ii) to ascertain the identity of the persons who received, and the purpose for which they received, payments of the following amounts:

- (a) SEK 170 - 250 million

- (b) SEK 29.5 million

- (c) SEK 2.5 million

from M/s. Bofors (as referred to in the Report of the Swedish National Audit Bureau, received by the Government of India on June 4, 1987);

- (iii) arising out of the enquiry, if there is *prima facie* evidence that M/s. Bofors have in addition to payments mentioned in (ii) above, made any other payments for securing the Indian contracts, the identity of the persons who

- received such payments shall be ascertained;
- (iv) to determine if any Indian laws/rules/regulations have been violated either by M/s. Bofors or by persons as indicated in (ii) and (iii) above.
- (3) That the Speaker shall nominate one of the Members of the Committee to be its Chairman.
- (4) That the quorum of the Committee shall be one third of the total strength of the Committee.
- (5) That the Comptroller and Auditor General of India and the Attorney General of India will provide assistance to the Committee, as necessary.
- (6) That the investigating agencies of the Government of India shall render such assistance to the Committee as may be required by it for the purposes of its enquiry.
- (7) The Committee shall have the power to ask for and receive evidence, oral or documentary, from foreign nationals or agencies provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Speaker whose decision shall be final.
- (8) If the Committee wish to nominate a sub-Committee to visit a foreign country for specified purposes connected with the enquiry the matter shall be referred to the Speaker who may take such decisions and give such directions as he thinks fit, provided that such sub-Committee shall not hold sittings, record evidence or take decisions in a foreign country.
- (9) That in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make.
- (10) That the Committee shall make a report to this House by the last day of the first week of the next session of Parliament.
- (11) That this House recommends to the Rajya Sabha that the Rajya Sabha do join the Committee and indicate to this House the names of the Members from amongst the Members of the Rajya Sabha to be on the Committee." (7)

MR. SPEAKER: The question is....
Nothing else will go on record.

(Interruptions)

MR. SPEAKER: He has already moved, Sir.

*(Interruptions)**

MR. SPEAKER: The question is that the amendment Nos. 1,2,3,4,5 and 6 moved by S/Shri Somnath Chatterjee, Dinesh Goswami, Madhav Reddy, K.P. Unnikrishnan, Indrajit Gupta and Janga Reddy, respectively to the motion moved by Shri K.C. Pant....

SHRI SOMNATH CHATTERJEE: Sir, our amendments are separate.

*(Interruptions)**

MR. SPEAKER: Am I supposed to put them separately? O.K. I will put them separately.

SHRI DINESH GOSWAMI: Sir, I am on a point of order.

*(Interruptions)**

MR. SPEAKER: If you want me to put separately, I can do so.

SHRI SOMNATH CHATTERJEE: Sir, amendments were given to the motion originally tabled by Mr. Pant, but now he has put a completely different motion. We are not given any opportunity to speak on it or to give any amendment to it.

*(Interruptions)**

SHRI SOMNATH CHATTERJEE: We gave our amendments to the original motion.

MR. SPEAKER: You have got amendments?

*(Interruptions)**

SHRI SOMNATH CHATTERJEE: Sir, he has completely changed his motion.

MR. SPEAKER: He has brought an amendment.

SHRI K. P. UNNIKRIISHNAN: Sir, he has changed the motion and all our amendments have become infructuous.

MR. SPEAKER: The question is that the amendment No. 7 moved by Shri Somnath Chatterjee.....

SHRI SAIFUDIN CHOWDHARY: Sir, let him speak.

*(Interruptions)**

MR. SPEAKER: I will put the amendments to the motion moved by Shri K.C. Pant to the vote of the House.

SHRI K.P. UNNIKRIISHNAN: Sir, Shri Chatterjee's amendment comes first. Our amendments come first.

*(Interruptions)**

MR. SPEAKER: Shri K.P. Unnikrishnan wants that the amendments should be taken up separately. Alright, I am taking Shri Somnath Chatterjee's amendment first.

SHRI SOMNATH CHATTERJEE: Sir, let me speak before my amendment is put to the vote.

SHRI SAIFUDDIN CHOWDHARY: Yes, he should be allowed to speak on this.

SHRI DINESH GOSWAMI: Sir we must react to what Mr. Pant has said. Don't you like us to react to the Defence Minister's observations. We should be given an opportunity.

*(Interruptions)**

MR. SPEAKER: Look here. Rule 358 says:

"Provided that nothing in this sub-rule shall be deemed to give any right of reply to the mover of an amendment to a Bill or a resolution save with the permission of the Speaker."

SHRI DINESH GOSWAMI: Then, give us permission Sir.

MR. SPEAKER: No Sir. I have already given. There is nothing more which I can do now.

(Interruptions)

SHRI SOMNATH CHATTERJEE: We want to speak on the amended motion....
(Interruptions)

MR. SPEAKER: You have done it already. I have given you the fullest possible opportunity to speak on that.

(Interruptions)

MR. SPEAKER: No, I cannot.

SHRI SOMNATH CHATTERJEE: They criticised the Opposition most unfairly and unjustly.... (Interruptions)

MR. SPEAKER: You did it and he did it. I heard you and I heard him.

(Interruptions)

SHRI DINESH GOSWAMI: Our point is...(Interruptions)

SHRI SOMNATH CHATTERJEE: We demanded a parliamentary probe. First they refused us..... (Interruptions)

(Interruptions)

MR. SPEAKER: No please. I cannot allow. I cannot allow another debate on that.

Now, I will put the amendments to the vote of the House, separately.

I now put amendment No. 1 moved by Shri Somnath Chatterjee to the vote of the House.

Amendment No. 1 was put and negatived.

MR. SPEAKER: I shall now put amendment No. 2 moved by Shri Dinesh Goswami to the vote of the House.

Amendment No. 2 was put and negatived.

Shri Somnath Chatterjee, Shri Dinesh Goswami and some other hon. Members then left the House.

MR. SPEAKER: I shall now put amendment No. 3 moved by Shri Madhav Reddi to vote.

Amendment No. 3 was put and negatived.

MR. SPEAKER: I now put amendment No. 4 moved by Shri Unnikrishnan to the vote of the House.

Amendment No. 4 was put and negatived.

MR. SPEAKER: I now put amendment No. 5 moved by Shri Indrajit Gupta to vote.

Amendment No. 5 was put and negatived.

MR. SPEAKER: I shall put amendment No. 6 moved by Shri C. Janga Reddy to the vote of the House.

Amendment No. 6 was put and negatived.

MR. SPEAKER: Now, I put Amendment No. 7 moved by Shri K.C. Pant to the vote of the House. The question is:

"That the original motion may be amended to read as follows:—

- (1) That a Joint Committee of both the Houses consisting of 30 members, 20 from Lok Sabha and 10 from Rajya Sabha, be elected on the basis of proportional representation to enquire into the issues arising from the Report of the Swedish National Audit Bureau relating to the Bofors' contract to supply 155 mm Howitzer guns to India.
- (2) The Committee shall enquire into the following matters:
 - (i) whether the procedures laid down for the acquisition of weapons and systems were adhered to in the purchase of the Bofors' gun;

[Mr. Speaker]

- (ii) to ascertain the identity of the persons who received, and the purpose for which they received payments of the following amounts:
- (a) SEK 170 - 250 million
- (b) SEK 29.5 million
- (c) SEK 2.5 million
- from M/s Bofors (as referred to in the Report of the Swedish National Audit Bureau, received by the Government of India on June 4, 1987);
- (iii) arising out of the enquiry if there is *prima facie* evidence that M/s Bofors have in addition to payments mentioned in (ii) above, made any other payments for securing the Indian contracts, the identity of the persons who received such payments shall be ascertained;
- (iv) to determine if any Indian laws/rules/regulations have been violated either by M/s. Bofors or by persons as indicated in (ii) and (iii) above.
- (3) That the Speaker shall nominate one of the Members of the Committee to be its Chairman.
- (4) That the quorum of the Committee shall be one third of the total strength of the Committee.
- (5) That the Comptroller and Auditor General of India and the Attorney General of India will provide assistance to the Committee, as necessary.
- (6) That the investigating agencies of the Government of India shall render such assistance to the Committee as may be required by it for the purposes of its enquiry.
- (7) The Committee shall have the power to ask for and receive evidence, oral or documentary, from foreign nationals or agencies provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Speaker whose decision shall be final.
- (8) If the Committee wish to nominate a sub-Committee to visit a foreign country for specified purposes connected with the enquiry the matter shall be referred to the Speaker who may take such decisions and give such directions as he thinks fit, provided that such sub-Committee shall not hold sittings, record evidence or take decisions in a foreign country.
- (9) That in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make.
- (10) That the Committee shall make a report to this House by the last day of the first week of the next session of Parliament.
- (11) That this House recommends to the Rajya Sabha that the Rajya Sabha do join the Committee and indicate to this House the names of the Members from amongst the Members of the Rajya Sabha to be on the Committee." (7)

The motion was adopted.

MR. SPEAKER: Now, I put the motion as amended to the vote of the House.

The question is:

"That the motion, as amended, be adopted."

The motion was adopted.

MR. SPEAKER: The BAC meeting was to be held at 4 O' clock. But it could not be held because we are all here. It will be held tomorrow at 4 O' clock.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H.K.L. BHAGAT): We are very grateful to the hon. Members, whether they be on this side or on that, for having participated in this debate. I would like to make an appeal to the members who left the House just now. We had an apprehension that they would ask for a Committee and then they would blame us and walk out of it. But I still appeal to them to join this committee and cooperate with the Government and not adopt the attitude which they are adopting now.

MR. SPEAKER: The BAC meeting will be held tomorrow at 4 O' clock.

16.45 hrs.

STATEMENT RE: PROGRESS ACHIEVED SO FAR IN THE IMPLEMENTATION OF THE INDIA - SHRI LANKA AGREEMENT TO ESTABLISH PEACE AND NORMALCY IN SRI LANKA

[English]

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI K. NATWAR SINGH): Mr. Speaker Sir, On July 29, the Prime Minister signed a historic Agreement in Colombo with President Jayewardene of Sri Lanka to establish peace and normalcy in the

country. Immediately after his return from Colombo, Prime Minister made statement in both the Houses of Parliament regarding this agreement and the text of the Agreement was laid on the Table of both Houses.

Both internationally and domestically the Agreement has been welcomed. World Leaders have conveyed their admiration and praise for the courage, wisdom and statesmanship shown by Prime Minister Rajiv Gandhi and President Jayewardene. But there have been other voices, some openly sceptical while others almost hopeful that the Agreement will not work, that it will break down at the stage of implementation. This is not surprising as there are many who do not wish to see peace and stability in our region. That is why Government would like to take the House into confidence about the progress achieved so far in the implementation of the Agreement.

As Members are aware, the Agreement provides that the Sri Lanka Government may call upon the Indian Government to render military assistance to ensure the implementation of the Agreement. As Prime Minister informed the House on July 30, the Sri Lanka Government made a formal request for such assistance soon after the Agreement was signed. In keeping with our commitments under the Agreement, Indian troops landed in Jaffna on July 30 for assuming peace keeping functions and for helping in the implementation of the Agreement.

A ceasefire between the Sri Lankan security forces and the militants came into effect as the Indian troops landed. The ceasefire has held till now almost without any incident. For the first time in over four years, peace and tranquility reign in the Northern and Eastern Provinces of Sri Lanka. Large numbers of people who had been rendered homeless and displaced from their areas of habitation have already started returning to their homes.