

"That the Bill, as amended be passed."

The motion was adopted.

MR. DEPUTY SPEAKER: Now, we will take up the next Item i.e. Item No. 9 on the Agenda....

(Interruptions)

MR. DEPUTY SPEAKER: Order, please. Please don't interrupt him.

SHRI P. KOLANDAIVELU (Gobichettipalayam): Sir, I want to know whether you are going to take up the Calling Attention to day.

MR. DEPUTY SPEAKER: I do not know, Sir...

SHRI P. KOLANDAIVELU I would like to know from the hon. Minister whether we are going to take up the Calling Attention today.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT) : Now, the time is 5 25 p m. Would you like to take it up tomorrow? I think, we can take it up tomorrow

MR. DEPUTY SPEAKER: We can take it up tomorrow.

SHRI P. KOLANDAIVELU: Yes, we can take it up tomorrow.

SHRI THAMPAN THOMAS (Mavelikara): Tomorrow, we have got the Private Members Bill.

SHRIMATI SHEILA DIKSHIT: We can take it up between 12 and 3...

MR. DEPUTY SPEAKER: Today, it is not possible...

SHRI THAMPAN THOMAS: That means, Monday we have to be here.

SHRIMATI SHEILA DIKSHIT: Yes, I feel so...

17.27 hrs.

DISCUSSION RE: FRAMING
GUIDELINES TO ENSURE SMOOTH
FUNCTIONING OF DEMOCRATIC
INSTITUTIONS-Contd.

[English]

SHRI S. JAIPAL REDDY (Mahbubnagar): Mr. Deputy Speaker, Sir, senior parliamentarians like Shri Bhagwat Jha Azad,

Shri Veerendra Patil and Shri Gadgil waxed eloquent the other day on the immense dangers of Character assassination. But, then, Sir, I regret to note that even while lecturing to us on such dangers Shri Azad and Shri Patil used this motion to indulge in character assassination. Their target was not Mr. Byre Gowda but Mr. Hedge. What was the sin committed by Mr. Hedge? He merely responded to the common demand or request of both Mr. Moily and Mr. Byre Gowda for a Commission of Inquiry. Did the Commission say anything anywhere in its Report on Mr. Hegde as such? No. Yet, virulent attacks were made on Mr. Hegde. Sir, we did not object, though we could have, under the Rules of Procedure, because we felt that Mr. Hedge would not deserve his reputation if it could not survive a discussion in this House. His reputation, I am sure, is not so fragile, not so brittle, as that of their leader— as not to survive a motivated onslaught in this House.

I do not want to sound pompous. It was Shakespeare who said:

"But thou as chaste as ice, as pure as snow, thou shall not escape calumny."

So, calumny is a thing which one cannot escape in public life in particular, but the reputation must be such as to survive the calumny. I would like to draw a distinction between 'character' and 'reputation'. There are lots of people in this country with great reputation but without a modicum of char-

[Shri S. Jaipal Reddy] acter. In my view, there is a need to expose the hollow reputation of such sanctimonious humbugs. In this situation of rampant corruption, I would rather choose to err on the side of iconoclasm than on the side of prudence.

Leaving aside my own attitude, let me now allude to the track record of the Congress-I. You know, Sir, only three years back, Dr. Farooq Abdullah, when he was Chief Minister of Kashmir & Jammu, was referred to as an anti-national, as one of those who were in collusion with the Pakistani elements and the Khalistani elements and what have you. What was the sin committed by him? When Mr. Rajiv Gandhi was the General Secretary of the Congress-I and when he met Dr. Farooq Abdullah and asked for a share of seats in the Valley, Dr. Farooq Abdullah refused his demand. And that was what led to a vilification campaign and dethronement of his Government.

Now, I may come to the example of Sant Longowal. I remember, when Mr. Ram Jethmalani appeared as an advocate for Sant Longowal after the latter was arrested in the wake of the Blue Star Operation. Mr. Ram Jethmalani's act of appearing in the court as an advocate for Sant Longowal was described as anti-national.

Well, I cannot but refer to the great point that Mr. Rajiv Gandhi himself made out of the Anandpur Saheb Resolution and the kind of campaign he led at the last Lok Sabha poll and even at the subsequent Assembly Polls, and we now know what he did with this Resolution.

SHRI K H RANGANATH (Chitradurga) What relevant has this got with the subject of discussion under Rule 193. I do not know. Where is he going?

MR DEPUTY-SPEAKER Let him say whether it is relevant.

SHRI K H RANGANATH Mr Deputy-Speaker, Sir, my humble submission is that anything cannot be allowed to go

on record. If that is the case, then I can say so many things here. (*Interruptions*)

SHRIS JAIPAL REDDY Perhaps, Mr. Ranganath had not heard the debate last time. Or, if he was here in the House and did not listen to the debate, then I cannot help. (*Interruptions*)

SHRI K H RANGANATH Mr Deputy-Speaker, let me know from the rules are we justified in bringing the name of Dr. Abdullah who cannot defend himself?

MR DEPUTY-SPEAKER If at all, there is any allegation, then only I cannot allow. He is just mentioning the name, how can I say, no?

SHRI S JAIPAL REDDY I am not levelling allegation against Shri Farooq Abdullah. I am levelling allegation against Mr. Rajiv Gandhi. It was this Rajiv Gandhi whose party was concerned. (*Interruptions*)

SHRI K H RANGANATH Under 193, if a discussion is going on it is discussed in precise. (*Interruptions*)

MR DEPUTY-SPEAKER Just take your seat. (*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H R BHARDWAJ) Mr. Reddy do you know it was Mr. Ram Jethmalani who himself made a show that "I am resigning as President of the BJP and then I defend." What was the necessity of doing so? It was his own drama. Twice it happened. (*Interruptions*) Can you listen? Sir, I want to tell the Hon. Member that twice when Shri P. N. Lekhi appeared in Mrs. Gandhi's assassination case, the same chap said I am resigning from BJP. This is the type of drama. Shri Ram Jethmalani and Lekhi have been playing with the country. Their true colour must be known to the people. (*Interruptions*) If you want to know more I will tell you here now.

SHRI THAMPAN THOMAS (Manelik-ara): Sir, he is trying to blackmail.

SHRI H.R. BHARDWAJ: Who has been blackmailing? (*Interruptions*) There is no way of finding out this commission of inquiry. If you want to know this.. (*Interruptions*)

MR. DEPUTY SPEAKER: Mr. Reddy, try to be within limit. Don't use harsh words.

SHRI S. JAIPAL REDDY: It is my charge. The Congress(I) won this unprecedented massive mandate of the last Lok Sabha pool through campaign of character assassination and blackmailing.

(*Interruptions*)

SHRI H.R. BHARDWAJ: Sir, this is an insult to the people of this country. This is my charge against them. (*Interruptions*) This is a charge against the people of this country. Such a statement can be used by you only.

(*Interruptions*)

SHRI S. JAIPAL REDDY: What happened to their commitment to the wisdom of people when they said about the Moily tape...

(*Interruptions*)

SHRI H.R. BHARDWAJ: You know we have not swallow anything. No Member of the Congress(I) Party has become a public prosecutor to put cases in the court. Your Ram Jethmalani was the only one whom you are referring. (*Interruptions*) What are you talking? You are a party to it (*Interruptions*) No Congress Member has fallen from standard. If you want Ram Jethmalani was your chief spokesman in Janata Government. Your Hedge has been twice indicated by the court, once by the Supreme Court and another (*Interruption*) You want to justify your corruption.

(*Interruptions*)

SHRI S. JAIPAL REDDY: What has happened to be Minister?

SHRI H.R. BHARDWAJ: What happened is you are going off the track. I know each one of you.

(*Interruptions*)

SHRI S. JAIPAL REDDY: He is afraid. (*Interruptions*)

SHRI H.R. BHARDWAJ: I am never afraid of you. I know you are a paper tiger. I know you have no guts to talk to me.

(*Interruptions*)

MR. DEPUTY SPEAKER: Order.

(*Interruptions*)

SHRI S. JAIPAL REDDY: You have just now seen how Mr. Bharadwaj has tried to indulge in assassination of character of Mr. Ram Jethmalani... (*Interruptions*)...This is a living example....(*Interruptions*)

SHRIMATI BASAVARAJESWAR (Bellary): I am on a point of order Sir. Mr. Ranganath has raised a relevant point and said that under Rule 193 he must restrict himself to the subject of the debate. You must give a ruling on that Sir. I want a ruling on this point.

SHRI S. JAIPAL REDDY : Everything has been included in the subject Sir.(*Interruptions*)

SHRI HAROOBHAI MEHTA (Ahmedabad): In any case, the time allotted to Mr. Reddy is over...(*Interruptions*)

MR. DEPUTY SPEAKER: Within the rule, according to the subject of the debate, if everything is within that, I will allow. If at all it is exceeded, I will expunge it. That is all. If at all be goes off the track, I will expunge it. If it is within the purview, I will allow it.

SHRI S. JAIPAL REDDY: I seek your protection Sir

SHRI HAROOBHAI MEHTA: Even if you expunge, some Press will publish it and apologise later on

Guidlines to ensure smooth

MR DEPUTY SPEAKER: No. no. They cannot Even without that they will publish it! Why are you bothering? Certain things we don't discuss here and still they publish! What can we do for that? *(Interruptions)*

SHRI S JAIPAL REDDY: I wish Mr Bhagawat Jha Azad who tabled this Motion were here. Mr Bhagawat Jha Azad, as General Secretary of the AICC (I) a few months back attacked the patriotism of the President of a National Party, my own party I am referring to the samples of character assassination on the part of Congress (I)

SHRI C JANGA REDDY (Hariam Koela) Yesterday also he has assassinated Mr NT Rama Rao in Hyderabad *(Interruptions)*

SHRI K P UNNIKRISHNAN (Badagara) You add 'character' to it

SHRI C JANGA REDDY Character assassination Sir

MR DEPUTY SPEAKER He wants to be brief When he is brief, certain words are missing and that gives a different meaning What to do?

SHRI S JAIPAL REDDY Recently Mr Rajiv Gandhi, in his campaign for the elections in Kerala and West Bengal launched such a diatribe against CPI(M), that should be noted He made an allegation in West Bengal that central funds were spent by CPM on developing its cadres He called CPM, the Communal Party of India.

SHRI HAROOBHAI MEHTA: Why my learned friend is pleading for CPM?

(Interruptions)

MR. DEPUTY SPEAKER. The Minister will reply He will take down everything and he will reply You don't worry.

SHRI S. JAIPAL REDDY: We don't require others to assassinate the character of

Congressmen, if they have any. The other day in the Illustrated Weekly, Mr. Kalpana Rai referring to**

MR DEPUTY SPEAKER: This is an allegation I cannot allow that

(Interruptions)

MR. DEPUTY SPEAKER: I cannot allow. *(Interruptions)* They may be right; but I cannot allow, can you prove that? Can you take that responsibility? ... *(Interruptions)* ... Nothing will go on record... *(Interruptions)*... Even from the papers you cannot quote. There may be. But you have to seek my permission if you are quoting like that You have to quote whatever you can substantiate, otherwise you cannot quote. If at all there is any allegation ..it is expunged *(Interruptions)*.. I am telling that it is an allegation *(Interruptions)* Yes It is an allegation I cannot allow

(Interruptions)

MR DEPUTY SPEAKER You cannot quote

SHRI S JAIPAL REDDY I have complete faith in the character of Shri V P Singh I am one of those *(Interruptions)*

MR DEPUTY SPEAKER I cannot allow

SHRI K P UNNIKRISHNAN What you cannot allow *(Interruptions)* I rise on a point of order

MR. DEPUTY SPEAKER What is your point of order? You first quote the rule which has been violated

(Interruptions)

SHRI K P UNNIKRISHNAN I do not have to quote the rule. You do not have to teach me all these things I will assert my right

MR DEPUTY SPEAKER You have the

** Expunged as ordered by the Chair.

right but first tell which rule has been violated.

SHRI K.P. UNNIKRISHNAN: Please explain how you can say it is not truth.

MR. DEPUTY SPEAKER: I cannot allow any allegation.

SHRI K.P. UNNIKRISHNAN: Where is the allegation? What is the allegation?
(Interruptions)

MR. DEPUTY SPEAKER: If you are calling a person CIA agent then it is an allegation.

SHRI K.P. UNNIKRISHNAN: Quoting from a journal is not an allegation.

MR. DEPUTY SPEAKER: What is your point of order?

SHRI K.P. UNNIKRISHNAN: He is perfectly eligible to quote from a journal and under no rule can you stop him from doing that.

MR. DEPUTY SPEAKER: He can quote but if there is any allegation then it will not go on record. Your point of order is ruled out.

(Interruptions)

SHRI S. JAIPAL REDDY: Sir, Mr. Kalp Nath Rai made scandalous allegations against Mr. K. P. Singh who was until recently the Finance and Defence Minister of India and I consider these allegations to be malicious, baseless and motivated. But I am referring to the tendency on the part of the Congress(I) men to resort to what they consider character assassination. He has further said...

AN HON. MEMBER: Sir, has that gone on record?

MR. DEPUTY SPEAKER: If at all any

allegation which he quoted that would not go on record.

SHRI S. JAIPAL REDDY: I have not made any allegation.

(Interruptions)

SHRI K.P. UNNIKRISHNAN: He is making a point. You should understand the difference.

SHRI S. JAIPAL REDDY: The point is he further said: Never! We are not corrupt. These fellows are**

(Interruptions)

SHRI H.R. BHARDWAJ: Again he is making an allegation.

(Interruptions)

MR. DEPUTY SPEAKER: Please sit down. There is a rule that prior notice is necessary even where allegation is based on a Paper report and made against outsiders.

SHRI K.P. UNNIKRISHNAN: He is not making any allegation.

MR. DEPUTY SPEAKER: Any allegation even if it is in the Press and you want to quote you have to get the prior permission.

(Interruptions).

SHRI THAMPAN THOMAS: He is not quoting anything. He is just producing an evidence for verifying.

MR. DEPUTY SPEAKER: In evidence you can say but you are calling a particular person...

SHRI K.P. UNNIKRISHNAN: You first listen the debate.

SHRI S. JAIPAL REDDY: I am giving a classic and latest illustration of orchestrated character assassination indulged in by the Congress (I) leaders against their own leaders.

(Interruptions)

** Expanded as ordered by the Chair.

[Shri S. Jaipal Reddy]

Sir, I for one believe Mr. V.P. Singh is as clean, as patriotic, as cleanliness and patriotism can be. But such a person is also facing character assassination not at the hands of Opposition but at the hands of Congress (I) men. Now, Sir, Mr. Hegde was the target of many allegations... (Interruptions)... I am not objecting because Mr. Hegde's reputation is redoubtable. It can survive all allegations.

SHRI HAROOBHAI MEHTA: Between an allegation and a judgment, we were relying on the Supreme Court judgment...

(Interruptions)

SHRI S. JAIPAL REDDY: Mr. Bangarappa made an allegation against Mr. Hegde way back in 1983... (Interruptions)... You go through the record.

SHRI H.R. BHARDWAJ: I have gone much more than you. You are briefed on a particular line. But you follow the rules... (Interruptions)... He is definitely briefed on the wrong lines... (Interruptions)...

MR. DEPUTY SPEAKER: No reflection. Order, order.

(Interruptions)

SHRI AMAL DATTA (Diamond Harbour): On a point of order. Mr. Bhardwaj is not a Member of this House. He is present here only as a Minister. He must behave like a Minister and not behave like an MP... (Interruptions)...

MR. DEPUTY SPEAKER: No, no. Take your seat please. I request the Hon'ble Members to allow the Members to speak. Let the debate go on smoothly. If everyone of you goes on like this, then we cannot finish it.

(Interruptions)

SHRI AMAL DATTA: The Minister may intervene sometimes. But he is only here as a Minister. Otherwise he cannot enter this House. He cannot intervene.

(Interruptions)

MR. DEPUTY SPEAKER: No, no. Minister has a right to intervene. You cannot say like this.

SHRI S. JAIPAL REDDY: Sir, I am not levelling any allegation against Mr. Bangarappa. Mr. Bangarappa made an allegation against the cousin of Mr. Ramakrishna Hegde, Mr. Ganesh Hegde, in 1983 that he was responsible for smuggling of rice resulting in Sales Tax loss to the tune of Rs. 8 crore. That allegation was enquired into....(Interruptions)

SHRI K.H. RANGANATH: When Bangarappa made that statement he was in the Janata Party and that case is now in the court.....(Interruptions)

MR. DEPUTY SPEAKER: Please take your seats. I request all the hon. Members, including you, Mr. Reddy, not to bring any allegations directly or indirectly in your speech, because that invites provocations from the other side. The debate cannot go on in that manner. Please try to be within limits. That is the only thing I can say.

SHRI S. JAIPAL REDDY: I request you to understand the tone and tenor of my approach. This allegation was looked into by the House Committee headed by CPI leader, MS Krishnan, which found the allegation to be baseless and malicious

Another allegation was made by Bangarappa in regard to rectified spirit against Hegde. The allegation was that because of a decision in regard to rectified spirit, the State of Karnataka lost excise to the tune of Rs. 99 crores. The judicial commission went into the question and arrived at the finding that the charge was baseless. In fact, the finding was that the decision led to a profit of Rs. 8 crores for the Government....(Interruptions).

SHRI H.N. NANJE GOWDA (Hassan): He cannot mislead the House.

SHRI S. JAIPAL REDDY: I seek your protection, Sir; I am not yielding....(Interruptions.)

I am only trying to say as to who indulged in character assassination. The boot is, in fact, on the other leg. What is the point that is sought to be made by this motion? Is it that the defection game was not played? I do not have to refer to notorious examples of defection game played in Kashmir and Andhra Pradesh; it is in everybody's knowledge. Of course, recently Mr Somnath Chatterjee referred to an allegation made by Srikantia against Nanje Gowda. He will speak after me, and, therefore, will reply, but he will also have to reply to some other things.

On 8.10.1983 there appeared a statement in Patriot given by Nanje Gowda that Hegde's Government would be brought down in a week's time and I am quoting him:

"We have kept the gun powder ready. It is a matter of time to ignite it."

Mr K.H. Patil, the then President of PCCI admitted before the Commission that 15 Janta MLAs were ready to defect to Congress (I). He made a statement to the press and he admitted that he made statement before the Commission.

Coming to the Moily tapes, the only piece of documentary proof in the entire case was the tape. There was no other piece of documentary evidence. You will kindly note that the tape as such was never examined. Now, I quote the commission report. No expert opinion on the tape could be obtained. The Commission tried its utmost to get the evidence of an expert regarding the voice of the speaker in the said tape by comparing it with the admitted recorded statements of Mr. Veerappa Moily and Mr. Byre Gowda. It was only the Indian Institute of Technology, Madras which said that it could do something in the matter. There was no other institution which could do that work. I would not take more of your time by quoting from the report in extenso. That Institution said that it would take nine months. With all respect to Justice Desai, I would like to know as to why the Commission which took fifteen months to submit the report was not prepared to give nine months to this Institute.

I may draw your attention to a fact that the famous tapes in the Nixon case were also of a poor quality, but the voice was determined by a technical institution. The tapes also could have been referred to a foreign institute. The Commission, in my view, committed a serious error of judgement when it relied merely on circumstantial evidence and verbal contradictions to arrive at a conclusion. The tape which was the basis of the entire episode was completely ignored.

It was admitted that one bundle of notes contained the slip of Sadar Bazar SBI Branch. It was received from the SBI Sadar Bazar Branch, but they could not trace out the origin of the notes. The Commission tried to function like a court. There is a definitive distinction between a Commission of Inquiry and a court of law. Before the Commission of Inquiry nobody is accused and nobody is an accused. A Commission of Inquiry is saddled with the task of finding out the truth. It did not lift a little finger to find out the truth. It should have called the Manager of the SBI Sadar Bazar branch, New Delhi for evidence. Likewise, it should have called many others. For example, press reporters who heard the tapes wrote in their newspapers on that day that they recognized the voice of Veerappa Moily. The editorials were written on that basis and none of them were called.

I am not trying to say anything against the Commission, but I am only drawing the attention of the House to a serious error that crept into the formulation of this finding.

SHRI D.K. Naikar (Dharwad North): Hon. Member is speaking on behalf of Hegde. Hegde himself has accepted the report without any comments. What right has he got now to speak like this?

SHRI S. JAIPAL REDDY: Firstly, I am speaking on behalf of myself and not for Mr. Hegde. Secondly, if Mr. Hegde as Chief Minister of Karnataka has accepted the recommendations of the Commission, it only redounds to the credit of Mr. Hegde as Chief Minister... (*Interruptions*)

MR DEPUTY SPEAKER : No interruptions please.

SHRI S. JAIPAL REDDY : I have no difficulty in discussing Mr Hegde because his reputation is not so fragile or brittle as not to survive your onslaughts. We are not trying to sweep anything under the carpet. The claim was that the Janata Party has won the massive mandate of the Assembly polls because of the Moily tapes.

18.00 hrs.

They all know Sir that the episode took place in 1983 and the Lok Sabha elections took place in December 1984. In December 1984, the Congress (I) got a massive mandate. In spite of the Moily Tapes episode. But in March 1985 Janata Party got a massive mandate. I am trying to say only this.

PROF. MADHU DANDAVATE
(Rajapur): Voters remembered again!

SHRI S. JAIPAL REDDY: I am only trying to say that the Moily Tapes episode did not play any part, unless they are prepared to say that a kind of collective amnesia was induced among the people of Karnataka in 1984 December polls.

Now, when some friend has suggested that Shri Veerappa Moily whose political chastity had been molested, should file a defamation suit, they laughed at the suggestion. I do not know why they should laugh at the suggestion. If they think that the defamation law is so weak, then they must come forward with the amendment to strengthen the law. Shri Bhardwaj for whom I have personally great regard is a sane man. But even a sane person like Shri Bhardwaj can on occasions, slip and he did so at Bangalore. While sharing the platform with Shri Hegde at Bangalore, I do not know why he has developed such an allergy to Shri Hegde he made an allegation that the names of persons recommended by Karnataka Government for appointment on the High Court Bench were of those who are related to Ministers of Karnataka.

[Translation]

SHRI H.R. BHARDWAJ: If you want the names, I can let you know. If you want them right now, I can do so.

[English]

SHRI S. JAIPAL REDDY: I do not want to provoke Shri Bhardwaj who is normally an excitable person. I know that he needs no provocation. I would rather expect him to exercise restraint. I would like him to know that he himself indulges in character assassination. So Sir, character assassination is, in fact, a game that the Congress (I) has been indulging in to win the elections. Not only against opposition leaders, but it also indulges in orchestrated character assassination against senior members of its own party. Therefore, it does not lie well in the mouth of Congress men to deliver lectures on the dangers of character assassination. It is like the devil citing the scriptures.

MR. DEPUTY SPEAKER : Mr. Minister.

SHRI H.N. NANJE GOWDA : I may be permitted to say something Sir.

MR. DEPUTY SPEAKER : I have already exhausted the time. I cannot allow you. The Minister is already on his legs.

THE MINISTER OF STATE IN THE
MINISTRY OF LAW AND JUSTICE
(SHRI H.R. BHARDWAJ) : Sir, I am grateful to all the hon. members who participated in this debate. This was an issue which was first debated in 1983. At that time one of the most senior members of this Parliament, Prof. Madhu Dandavate had raised issues about one of the....

(Interruptions)

SHRI H.N. NANJE GOWDA : Excuse me Sir. The other day Shri Somnath Chatterjee made a charge against me. I may please be allowed to clarify certain things. I can

request all my friends, who also want to speak, to sit down and not press their demand. At least, I must be allowed. After I finish, the hon. Minister can reply. Kindly allow me.

(Interruptions)

MR. DEPUTY SPEAKER : If you got tie in the middle of the Minister's reply and if you feel like expressing your views, you can definitely express your views.

(Interruptions)

SHRI AMAL DATTA : It is a debate on character assassination!

(Interruptions)

SHRI THAMPAN THOMAS : Which character, has he assassinated?

(Interruptions)

MR. DEPUTY SPEAKER : I have already told you, if you get time in the middle of the Minister's reply, you can express your views. Not now.

SHRI H.R. BHARDWAJ : Sir, this was the issue which was very important considering that it came from a very senior Member of the House. This was an issue where a man with a Parliamentary record had given a challenge that he possessed certain evidences to show that an attempt was made by an MLA of the Karnataka Assembly. And the idea was to win over another MLA of that Assembly.

Prima facie, normally when allegations are made, the rules and principles of natural justice require that one who makes an allegation must satisfy himself about the genuineness, about the truth of the allegation. But Sir, as you will find, as Prof. Dandavate himself has now regretted for the allegations made, nothing remains actually to say, except a few things to show that how contradictory issue was raised in 1983. It was raised at such a high pitch that it was projected as if the whole system in a particular Party is

corrupt and the whole system on the other side is very clean. That is why I would like to briefly say a few words from the speech which was made and that is important. To quote those Paras will really reflect our desire on this side. Whenever we say something on the floor of the House, we must satisfy that later on, we may not have to disown what we say on the floor of the House and tender an apology. Kindly see Sir, at Page 480, it was said by the Mover and I quote:

"I have taken all possible precautions to send to the Speaker an advance notice that I am going to quote things. Certain queries have been made and again I replied to the query. I have taken the full responsibility for the authenticity of the transcript which I am quoting."

One thing, if you take these words that the Member has taken a full responsibility for whatever he was saying in the House and whatever was said in the House, but today a strange situation has developed and we find a particular situation, where the hon. Member has not said the something that he is preparing to own the responsibility for and has said something else. Again I will quote from Page 520 and the same type of thing was said.

"I have already said that concrete evidence in the form of finger print, taperecorded versions, all are there. In case no judicial inquiry is set up, I demand, a Parliamentary Committee to be set up to go into the details of how matters can be dealt with".

Where are the finger prints?

Coming as it does from a very important parliamentarian of the country, it was expected that if there were any finger prints anywhere, they should have been submitted by those who possessed those finger prints before the Desai Commission.

I am submitting these portions to show that when we are motivated by political con-

[Shri H.R. Bhardwaj]
siderations, we can go to any length. That is what we must note.

Over the years, we have shared sometimes common platforms; sometimes common parties; some people have defected; some people have joined. This goes on. But when you speak on the floor of the House, you must search your conscience—whether you know all that you are saying on the floor of the House. This is my precise submission.

Now I will again quote another important member of the Opposition who spoke on this occasion; and he said a very particular thing. On that I am going to quote another chief spokesman of the Janata party from 1977, and who is a close friend of your Chief Minister of Karnataka—he is Mr. Ram Jethmalani. He was a Member of this House, and he spoke. With your kind permission, I will read page 529. That will reflect how the issues should be judged. I will quote him in precise terms. I quote:

“There are two versions of the Karnataka episode. One version is that somebody has tried to bribe a legislator, and get him out of his party; the other that it is concoction by the ruling party in Karnataka.

Mr. Stephen named the person who, according to him, had concocted this with his own money; but I want to ask whether it was the legislator who was being bribed to leave his own party, or whether a Chief Minister of a State concocts that kind of an incident, to malign the other party. Is it, or is it not a matter of national shame?”

This is the precise question that was raised by an hon. Member of this House who, by all standards I can say, remains the chief spokesman of the BJP, the chief spokesman of the Janata Party and sometimes of the other party. I am quoting it to say that these were the two issues which we projected before the House :

“Either the truth is that the legislator tried to bribe another legislator, or that the Chief Minister was concocting all these affairs.”

It is not my speech. It is their speech.

Now, I will again quote. He must have thought so because the House does not have the power to call people and record their evidence and examine and investigate into the matter; he suggested a commission of inquiry. Some other people also suggested a commission of inquiry. Mind you, it was a commission of inquiry set up by the State Government at its headquarters in Karnataka.

What has happened? We find a peculiar situation. You will kindly permit me to say what is the answer of the Commission of Inquiry, to the allegations against one of the two issues which were raised in the House, which one is correct. With regard to the terms of reference No. 1, the answer of the Commission is this:

“The allegation made by Shri C. Byre Gowda, member of the Legislative Assembly, that Mr. Veerappa Moily, then the Leader of the Opposition in the Karnataka Legislative Assembly, paid him Rs. 2 lakhs, is not true.”

This is the positive finding of the Commission of Inquiry set up by Mr. Hegde; and it is held by a sitting Judge of that Court. Now, an attempt was made to attack the procedure followed by the Commission of Inquiry. All these issues were relevant when the Commission was going on, and all these issues could be sorted out during the proceedings—I do not think anybody will leave to chance any such matter where investigation is ordered, a sitting Judge of the High Court is asked to go into the question—all evidence and whatever was to be said by the State Government, by the concerned parties had to be placed before the Commission. After the Commission had investigated and gone into the inquiry, it comes to a finding; and in that commission they had complete faith, and we had complete faith; and every person should have faith when we set up a Commission of Inquiry, and accept its findings. After accepting the findings, if they go by the judgement

of their own member in Parliament, that is not good. There were two issues: one issue is whether our legislator was wrong, or their Chief Minister was wrong. The finding is that our legislator is not wrong. The conclusion is that then Chief Minister is wrong. What other conclusion can there be?

SHRI S. JAIPAL REDDY : On a point of order, Sir. I know Mr Bhardwaj has a special affection for Mr Hegde. He should not misuse the floor or the occasion to give vent to his personal spleen. I am sure he will rise to the moral occasion. *(Interruptions)* The point is this : No comment, right or wrong, was made on Mr Hegde. The hon. Minister's reply must be based on the finding of the Commission.

SHRI H. N. NANJE GOWDA : He was the architect of evil designs. *(Interruptions)*

SHRI S. JAIPAL REDDY : Strictly speaking, he cannot refer to him.

SHRI H. N. NANJE GOWDA : What is your point of order ?

(Interruptions)

PROF. MADHU DANDAVATE : Hegde is a State subject

SHRI S. JAIPAL REDDY : He is trying to cast aspersion on Mr. Hegde without reference to the Report of the Commission. That is my Point of order.

MR. DEPUTY SPEAKER : If there is any aspersion, I will go through the proceedings and expunge it.

SHRI H. R. BHARDWAJ : I accept him. If there is anything, you kindly examine it. I will not refer to that anything. I am referring to the logical conclusion which only a sane person is expected to say.

SHRI S. JAIPAL REDDY : You quote from the Report of the Commission.

SHRI H. R. BHARDWAJ : Kindly bear with me. I will not go into anything. I am

referring to two speeches made by the members of the Janata Party. I am not saying anything. I know what affection we have got for each other: that is true.

(Interruptions)

SHRI H. N. NANJE GOWDA : If there is anything, it could be handed over to the Speaker by Prof Dandavate.

SHRI H. R. BHARADWAJ : No. I have got the highest regard for one person, namely, Prof. Dandavate. When he says something on the floor of this House, I, at once, hasten to accept him on his own words; this is my view about the hon. member; that is where I have to intervene; I have to say this thing that when something comes from a Person, there is always a question of credibility. If it comes from Prof. Dandavate, I will hasten to accept, but if it comes from Mr. Hegde, I will never accept. This is my own feeling.

PROF. MADHU DANDAVATE : I propose a vote of thanks

(Interruptions)

MR. DEPUTY SPEAKER : I will go through the proceedings and if there is any aspersion, I will expunge it.

SHRI H. R. BHARDWAJ : I agree.

SHRI S. JAIPAL REDDY : I want your ruling just now.

MR. DEPUTY SPEAKER : He has agreed.

SHRI H. R. BHARDWAJ : I will not say anything. You take it from me. I will only quote what Prof Dandavate has spoken and how he has brought Mr Hegde into the picture. Kindly see page 482. These are proceedings of the House.

PROF. MADHU DANDAVATE : Even if I had referred to him, my remarks should be expunged with retrospective effect.

SHRI H. R. BHARDWAJ : With my sub-

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mission of course. Kindly bear with me. I am only explaining. Things can go wrong with political motive; and I never attribute motive to Prof. Dandavate; motive was somewhere else. I will never attribute motive to Mr. Reddy also. We are great friends. Kindly see Page 482. I will give another instance. When the Chief Minister Ramakrishna Hegde called a press Conference and released all the documentary evidence and played tapes, at that time journalists belonging to all the political parties identified that the voice in the tape was that of the concerned Congress I leader. If this incident of press conference and producing tapes and so-called finger prints had not been held in a conference by a very responsible man, namely the Chief Minister of a State, without cross-checking on to what he was doing whatever he was saying, then this whole episode would not have been there in 1983 and today also. That is why I am saying that there are inherent dangers when you accept things without cross-checking. When this was done, this was done either innocently—there are two interpretations; there can be no third one—or with some motive. Innocence has not been proved by the Commission. Motive is obvious. This is my submission. Now, with all this, if the motive, is obvious, then there was an alternative for Mr. Hegde. O.K. If the Commission has not gone into several aspects of it.... (Interruptions) I am not saying anything against him. I have the highest regard for him. You are unnecessarily protecting him when I am absolutely clear. Have I ever said anything? I am quoting your two friends from the Janata Party; and if there is anything, you kindly correct me and I will withdraw that. But please allow me to say something, because you have gone off the track and I do not want to go off the track. Therefore, I say, when you assess the events objectively—there is a leader of the opposition; and you have also a leader of the opposition—if they are trying to gag and you are also trying to gag, then you will be involved in concocted cases.

What will happen to democracy in this country? And who is going to judge whether the action was *bona fide* or motivated? It is

either the House—they should have taken it to the Legislature there—or the judiciary. If any good sense prevailed on the Chief Minister to refer it to a Commission of Inquiry and the moment it was found that the allegations were not true—and mind you there this is the wording: That there is no evidence. There is nothing. The positive finding so far as Mr. Moily is concerned, the Leader of the Opposition, I am giving more emphasis to this word, because he was not a simple legislator, he was the leader of a national party; and then certain motive were attributed to him, and those motives were reflected here. And a very senior Member of Parliament like Prof. Dandavate was made to believe that whatever was being said was true. What a concoction and a fabrication it would have been! This is where, precisely we find dangers every day in political life. I am not defending Moily, Hegde or Byre Gowda. When you said something, you wanted an adjournment motion on that day, when these things were reflected in this House, and elsewhere, if that was not, it would not have been discussed here. It is an outcome of the Motion of Prof. Dandavate. It was discussed. And then on that Motion Mr. Ram Jethmalani who was a Member of Parliament than in this House said that it must be examined, elsewhere, that means either a judicial inquiry or a commission of inquiry, where people will have the liberty to produce evidence and the Commission will have the opportunity to produce evidence and evaluate that evidence. Then only the truth will be coming before us. If political values, if some values are to be nurtured and cherished then this is the correct thing.

When somebody levels a charge against the Leader of the Opposition if it is found faulty, the person levelling that charge, the person holding or producing the evidence, those tapes must quit immediately. That is the moral of the issue. And do you accept this?

You referred to my name. I was there in Karnataka. He was the host, the Chief Minister. The Chief Justice of India was there. Several Judges were there, High Court Judges were there. Members from Karnat-

aka bar were there. I never knew that the Chief Minister will invite us and insult there in the House. Who thinks so? Especially, I know Karnataka is a very hospitable State. So is Andhra. We have never encountered anything like this in Andhra at all. But when we went there, the first thing was, he circulated a printed book against me. It is here. I have got it. The House can examine it. I tolerated it. Okay. The Chief Minister is hosting this. He can take this privilege. It was his Convention Hall. I am replying to what Mr. Jaipal Reddy has said. I can say, "This is nothing. He is a very big politician. I am a very small man. Nothing happens." But when we are sharing a common dais, if I go to your house, Mr. Jaipal Reddy and you start hurling abuses, is it very decent by any standard? And it is for you to judge.

I have lived in Karnataka for months and days, when Mrs. Gandhi was not in power. Nothing happened to me although we were not in power. I went later on on this issue as a guest of your State. I shiver going there now because the man can do anything any day. I do not feel safe there at all, because a man with motives like this can do anything.

(Interruptions)

SHRI S. JAIPAL REDDY : On a point of order, Sir. He says he does not feel safe in Karnataka. What crime did he commit to develop this kind of fear?

SHRI H.R. BHARADWAJ : I am a very fearless person, I tell you. [Interruptions].

Mr. Jaipal Reddy, listen.

SHRI S. JAIPAL REDDY : He is having guilty complex.

SHRI H.R. BHARDWAJ : No. No guilty complex. The guilt is somewhere else. And he is always in the hospital, whoever is sick. I am never in the hospital. The next day he was in the hospital, and the sickness is somewhere else. (Interruptions)

Mr. Jaipal Reddy, you kindly listen to the logic of what I am saying. It is very essential

because we are in a very vast country and we have different parties.

You kindly tell me, and you reply right now before me. If I am wrong, I will tender an apology to you. But you as a Member of Parliament, if you invite me to a dinner to your house, have you any right to insult me? You can talk to me anything in private. We can discuss things and administration, and several things. But show some decency which I think everybody in Karnataka except one man possesses. That is the decent part.

SHRI S. JAIPAL REDDY : Since I asked you to clarify, let me say.

SHRI H.R. BHARDWAJ : Kindly do.

SHRI S. JAIPAL REDDY : As far as I remember, it was a public occasion.

SHRI H.R. BHARDWAJ : Not public occasion.

SHRI S. JAIPAL REDDY : Please hear me.

As he himself stated, the Chief Justice of the Supreme Court, and many other Judges, senior jurists of the country were present at the dinner.

The dinner was hosted by Mr. Hegde not as a person, but as a Chief Minister. It was hosted not in his house, but at a hotel and he was making a reference to the vacancies that were not being filled up in the High Court of Karnataka.

SHRI H.R. BHARDWAJ : No No. Kindly listen to me. Kindly read this. Shall I read what he said? He attacked my performance in the Indian Express case, because you know his special friendship with these people. Kindly have this book and read it. He attacked my performance in both the Houses of Parliament. It is here I feel that this is an act of the Chief Minister; because, whatever we do in this House, nobody else should refute. Therefore, if you see the truth, you will find that the fault is not mine; it may be yours. Kindly appreciate it. Why are we facing this situation today? I do not have any

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problem here or anywhere else. Even in Andhra Pradesh, whenever I go, the Chief Minister greets me like a good friend. I have no problems with Mr. Jaipal Reddy. Mr. Madhava Reddy. Whenever I go, they all honour me. Mr. Reddy, we are defending your own person. So, I tell you we are all brothers. A member of Parliament, once he is chosen either to Rajya Sabha or to Lok Sabha, in my humble view, he represents the entire country and he represents the people of India as a whole; because he is not a member of the Constituency but he is a member of the Indian Parliament. This is my submission. In that light, our mutual behaviour must guide each other. That is where we must not enter into privileges or political considerations. Therefore, I do not want to join issues. Sometimes I may be wrong, in humility I am prepared to accept. But there is a man who thinks he can commit no wrong. I do not want to go into personal matters. I have known that gentleman since 1969 as we were in the same party and then the split took place. In the year 1969, Shri K.S. Hegde, another great judge of Karnataka, who was in the Supreme Court, what an indictment he has given in Bhomma Reddy's case. Can I cite the Supreme Court ruling? I do not want to do it. If I do it, then you will say I am indulging in character assassination. 1,168 liquor shops were allotted in one single day by a gentleman. I am not casting any aspersions, but the Supreme Court ruling says so. Recently, in the arrack bottling case what has happened? Everybody knows that it was wrong. The appeal was lost, but Mr. Hegde was exonerated. The entire public money was spent to eulogise his own image. Several crores of rupees have been spent and this is the way they are projecting a wrong image as a right image. Who can project an image? I have so much faith in the people of Karnataka. Whenever they vote, they vote absolutely correctly and whosoever is elected, we must respect them. That is what I want to say and that is what I mean. But if you destroy the leader of an opposition when you have a majority and you do so many things, nobody will appreciate it in this country, whether we try to do it or you try to do it. This is where

you must correct some of your friends.

Sir, I would personally request Prof. Madhu Dandavate that he must ask his friends who gave him those finger prints, so-called finger prints, which have not seen the light of day till today, even though they were cited on the floor of the House. This is my grievance. Is it a bad grievance? I ask you Mr. Reddy this question, because you are so vociferous in your speech that there is something wrong only with us. Tell me. If such finger prints are existing, then it can be brought either before the House or before the Commission. As a lawyer, I personally feel, it never existed. If it ever existed, yet a senior member, a very respectable member of this House, was made to believe that finger prints were available; even the press was made to believe that there were finger prints. This was a blatant concoction or fabrication, yet Prof. Dandavate himself was misled to say all these things.

I have a serious grievance over that. It should not be repeated whether I am there or you are there. Can you have a different opinion on this? We cannot have a different opinion on rational thinking. That is where we must all agree that we are given certain information by outsiders. We must cross check the value of that information, the strength of that information, the source from which it comes. You must also feel motivated. I may pass on a wrong information. It is equally the duty of the person receiving the information to check that he is a political man and he may have an axe to grind, so he must verify the veracity of that. When you test the veracity and when you find and your conscience allows, only then you take action. This is what the rules expect that you must check it up. Unfortunately, Prof. Dandavate, was made to believe this and he claimed on the floor of the House that he took full responsibility. What is the meaning of taking full responsibility? Can anybody tell me? Owning responsibility means that he is prepared to face the consequences. And the consequence is that in his whole life. I think, Prof. Dandavate, must not have tendered an apology like that. Who is to be blamed for all this? Not me. Am I to be blamed for briefing prof. Dandavate wrongly?

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You said one thing more that the Commission did not allow the tapes to be sent somewhere else. Is it the job of the opposition to do that? When you set up a commission and you indict an opposition leader, you must be above board. If we do that, you can say the same thing to us. In our behaviour with the opposition leaders if we are somewhere perverse and somewhere wrong, it is your duty as also our duty to see that this chair of the opposition leader is respected, because in a democracy role of the opposition as well as the ruling party is the same—to serve the people of India. The right of opposition is to correct where the ruling party is going wrong because the cause is the same. The cause is to serve the people of India. In that process, where is the question of raising the issues which are not relevant for serving the democracy? The opposition is an extension of the administration. According to my humble view, they are equally responsible because some people have faith in them and elected them. They are supposed to criticise the Government with in the right parameters and issues. But you cannot fabricate the evidence like this. Certainly not. And by no stretch of imagination such an act can be defended in Parliament of this country. I could imagine this. There was some doubt cast by one of the most eloquent champions of BJP. He has said that there are two issues before us. Either the legislator is wrong or the Chief Minister is wrong. I am not blaming him. I am not saying anything. This is what Mr. Ram Jethmalani has said. I think, he was right. If the legislator was wrong, you know what could happen to that legislator. Now, Mr. Chidambaram has amended that law. There is one section in the IPC. When you are aiding and abetting a bribe, it is an offence. What could happen if this Commission could say, yes, the allegations are true? The man would have to face a criminal case and lose his own reputation and all service rendered to the people of Karnataka. What a serious consequence was flowing from it. I will never accept this analogy that the people of India can be befooled by me or you. They are very enlightened people and they act with correct perspective in appreciating the problems. But at that time the only thing was, whoever dared to face the great man, he

would meet the fate of Moily. And this is what is happening in Karnataka? That is why, you must look into these errors. Kindly do that, because I have tremendous respect for you and for Prof. Dandavate. Correct me if I am wrong. If you are morally satisfied that something is wrong somewhere, then it is your duty to correct it, because it is not our party in power.

SHRI S. JAIPAL REDDY : With due respect to Justice Desai and the report I am morally satisfied that the tapes were genuine.... (*Interruptions*)

SHRI H.R. BHARDWAJ : Let me go on with my submissions because it is a very relevant issue. I will not be performing my duty unless I satisfy him.

There is always a moral satisfaction. I know as a lawyer that there is always a moral satisfaction...(*Interruptions*)

PROF. P.J. KURIEN : Sir, after having said all this if he feels that the tapes are genuine, his moral conviction is to be kept in a museum. After all this, how can he say this?

SHRI S. JAIPAL REDDY : You may have the tapes kept in a museum or refer to a technical institute in the United States or in any western country I am prepared to accept this challenge.

*AN HON MEMBER : He is casting an aspersion on the Commission.

SHRI H.R. BHARADWAJ : Do you think with me. I think we are all enjoying this talk. It is a very interesting matter. Because I may not have another opportunity to talk to you so frankly, that is why Reddy Ji I am telling you something. There is always a moral appreciation or conviction. The courts do not accept, the people do not accept because our morals differ. That is the difficulty. The only thing in which people have faith is the judiciary and the judiciary of Karnataka, I know, is one of the best judiciaries in the country...(*Interruptions*). I tell you it was the Chief Minister who suggested this name to

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us. We did not appoint him. And if he had any grievance...*(Interruptions)*.

SHRI S. JAIPAL REDDY : Sir, on a point of clarification. I did not mean to cast any aspersion. I don't yield my palms to Mr...*(Interruptions)*.

MR. DEPUTY SPEAKER : Leave it.

SHRI H.R. BHADWAJ : Do you think we have any sort of a personal grudge against this? We have certainly not. We are debating an issue of national importance and this is not an issue which was raised by us. It was raised by your party and it is an offshoot of that discussion that we want to correct the records because if these issues are not corrected, if a debate of 1983 is not corrected properly, then it will go down, because this Desai Commission cannot form part of these proceedings. So, I must correct that your grievance is that the tapes were not correctly decoded or translated or whatever it is. It is your positive case. You want to reach the evidence that we had a correct transcription of these tapes and there is no doubt about the voice of the person concerned. This was the universal appreciation of the tapes. It was your Chief Minister who was projecting to the people that this is the voice of Mr. Moily and this is the voice of so and so. If you were so keen to prove this, I think Mr. Hegde is not that negligent that he will leave this part unattended by the Commission of Inquiry. He is a very very old politician and his life started much more before me in politics. He has seen this world much clearer than what we have seen and he has seen many weathers. He will not leave anything. When Commission of Inquiry is appointed. When Commission of Inquiry is appointed, the notice goes to the State, to the Advocate General and whosoever is appointed by the State, and when the issues are to be proved, when the issues are framed, the burden of proof lies on the person who asserts a particular thing. When it is your positive case that this is the voice of Moily, then it is you who was to prove that this is voice of Moily, not for Mr. Moily that this is not his voice. If the burden is on you to prove and you do not prove, then you cannot raise this issue in the House that

this voice was not correctly appreciated by the Commission. The presumption would be that you had no evidence and you levelled these charges without evidence. This is my submission that these are the issues which must be correctly appreciated in the light of these two discussions which have been held. You want me to amend the election laws. Election laws will be amended but this problem of blackmailing or character assassination has nothing to do with the election process. The people of India, when they join election process, decide issues very clearly. But when you are the ruling party, you are doing something which is unheard of to a leader of Opposition, and if you are not prepared to look into this grievance of ours in Karnataka, then I am sorry, you are not appreciating your role as a ruling party. That is my precise submission and if this is your attitude to the finding of the Commission of Inquiry, I think Reddy Ji, perhaps you from the Janata Party, you could tell Mr. Hegde to reject this opinion of the judge. What is the purpose of appointing a commission of inquiry. Commission of inquiry is always appointed on an issue of public importance to instruct the mind of the Government to take steps to rectify certain wrong things. If the Commission of Inquiry has given a finding the Government could say "No; we will still get it verified through the C.I.D. or other investigating agency whether this voice is that of Moily and satisfy ourselves". But mind you, you have not availed of this opportunity; you have not assisted the commission to the extent what you are saying today. Who is to be blamed for this? We have judgement of a court; we have finding of a Commission of Inquiry; we have not one judgement but we have several judgements where the credibility is not that as I want you to say. That is the difficulty. And mind you, I am not imputing any motives to anybody. But it is a sequence of events in Karnataka that will tell you that how many leaders of Opposition have suffered in Karnataka. You were just now referring to another leader of Karnataka, Mr. Bangarappa; you were referring to another name, Shri Nanje Gowda. He is now Member of our Parliament here. He is another sufferer. You kindly do something *(Interruptions)* I am telling you this perhaps

you know that we have past and past is common in Congress. You know that very well, in 1969 and onwards. So, the question is that you have a road-rolling majority in Karnataka House and therefore it becomes your duty that the leader of the Opposition has no grievance against you. That is what he expects from you and if we try to do the same thing and if there is any aberrations or complaint on this, we will welcome. Do you say so on the floor of the House that we have no complaint against your man? That is our grievance and I have absolutely no grievance. He has always published, he has spent lakhs and lakhs of rupees for taking in the press and these booklets are not printed without cost. This is the money of the people of Karnataka such costly books defending him. Kindly see what are the headings given (*Interruptions*). These are very well known to every M.P. (*Interruptions*).

SHRI S. JAIPAL REDDY : He is discussing the State Government concerned.

SHRI H.R. BHARDWAJ : I am replying to you. I am only telling you the thing. Please listen to me. I hope that even now some correction can be made. That is what I am saying. This is perhaps the motive in bringing all this that we are all politicians people expect decency from us, people expect decency in our behaviour, morality. But there should be no double standards. We are all intelligent and we are all Members of parliament and MLAs and what ever. We are here to serve common cause. Why should we waste our time on character assassination or blackmailing or gagging the Opposition? This is my submission and that is why I say that this issue, when it was raised, was an issue of a very substantial importance. It was debated and today it was raised by Mr. Bhagwat Jha Azad and when Mr. Veerendra Patil spoke, when Mr. Gadgil spoke, when Prof. Madhu Dandavate spoke and when others spoke, I personally felt the concern that we should not depend on 'A' or 'B' or say against 'A' or 'B'. The concern was: Are we prepared to accept that we must do something on this issue that we must not do or say something unless we are thoroughly convinced of what we say on the floor of this

House? This is a precise issue and since it was relating to the Election Department, the responsibility to reply came to me. That was forget and forgive unless a new challenge comes.

Therefore, I personally feel that on this issue the whole debate of 1983 was very relevant that in a democratic set up if it is found that 'A' Legislator has bribed 'B' Legislator and if it is found that he is guilty of it, he should have no place in the politics of this country. This is what we believe. But equally it should apply to however superior the man may be and however necessary he may be for your party or our party, if it is found and found by a judicial court or a judge that the boot is on the other leg we must decide what the punishment should be.

I leave it to the wisdom of the Janata Party what they have got to do with this gentleman, whoever he is, whether he is Byre Gowda who, I am told, is a Minister now.

AN HON. MEMBER : He was a Minister.

(*Interruptions*)

SHRI H.R. BHARDWAJ : He was or he is, I do not know because I have not travelled after that incident with him. I personally feel that the ball is now in your court. Now, you kindly sit and decide amongst yourselves...(*Interruptions*). No, we will not have any grievance provided the wisdom of the Janata Party finds that 'here is the decision of a Judge of then own High Court and here is what was done to a Leader of the Opposition, still we are holding on to the man and saying very good, the most efficient man in the country, very good, nothing has happened. Now, if nothing has happened, why was there a hue and cry? I found that Professor Sahib wanted on adjournment motion on that issue. Why no adjournment motion there now? (*Interruptions*). Yes, but it is their forum. I have no disciplinary-control over it or the leaders of your Party. Now I invite you to kindly consider this in an appropriate forum of your party as to what is the punishment. My man could go to jail—I mean, my legislator—because if he had been

[Shri H.R. Bhardwaj] :
found by the Commission that he did attempt it, there was a door open for you, but which door is open to the other gentleman who calls the press? I know he has an advantage...

(Interruptions)

SHRI S. JAIPAL REDDY: A point of clarification. If Mr. Byre Gowda is aggrieved by the finding of the Commission rightly or wrongly—I am not a student of Law, you are one of our legal luminaries—what is the remedy for Byre Gowda?

AN HON. MEMBER : You must pay the fees.

SHRI S. JAIPAL REDDY : What is the remedy for Mr. Byre Gowda because there is no appeal for a Commission finding.

SHRI MADHUSUDAN VAIRALE:
(Akola) The Janata Government in Karnataka should resign.

SHRI S. JAIPAL REDDY : What is the appeal for the finding of the Commission?

SHRI H.R. BHARDWAJ : What is your point of order?

SHRI S. JAIPAL REDDY : Not point of order. Since you are a good lawyer I want to seek enlightenment from you.

(Interruptions)

SHRI HAROOBHAI MEHTA : His status seems to be only that of a witness and not a Party.

(Interruptions)

SHRI H.R. BHARDWAJ : No, no. I would satisfy myself. I have a duty to you.

SHRI H.N. NANJE GOWDA : The Minister is trying to clarify his point. I have also a right....

SHRI H.R. BHARDWAJ : I will satisfy you also, I will give an opportunity to you.

SHRI H.N. NANJE GOWDA : No, I have got some suggestion.

MR. DEPUTY SPEAKER : You give it, I will allow you.

(Interruptions)

SHRI S. JAIPAL REDDY : Sir, if I had not formulated my point, I will do it again. If Mr. Byre Gowda who made the allegation is dissatisfied with the report of the Commission, what is the remedy that Mr. Byre Gowda has?

SHRI OSCAR FERNANDES.(Udupi) : The remedy is given by Mr. Byre Gowda himself. He said, if it is not proved what he will do.

(Interruptions)

SHRI H.R. BHARDWAJ : Reddy Ji, there should be no dispute on this. You see, when we go to a judicial Tribunal or a court, each one of us goes with the hope that we will be bound by the decision of the court. It is including the prosecution, the defendants and witnesses and everybody. Mr. Byre Gowda was, according to Mr. Ram Jethmalani—he was not a relevant person according to me also—Mr. Byre Gowda himself had nothing to do because he was an independent MLA and the allegation is either....

(Interruptions)

SHRI S. JAIPAL REDDY : Please read the terms of reference.

(Interruptions)

SHRI H.R. BHARDWAJ : No, kindly see. I am telling you, you kindly hear me. Mr. Byre Gowda or any person, whether it is Mr. Moul, Reddy or Byre Gowda of the State of Karnataka, all had assisted the Commission in whatever way they wanted, and once there is a verdict of a Commission there cannot be any appeal to that because, I told you, it is not a court of law, it is a judicial inquiry.

SHRI S. JAIPAL REDDY : That is exactly the problem. That is the problem, Mr. Bharadwaj.

SHRI H.R. BHARDWAJ : No, no, this is not the problem. The problem is that your State Government appointed a Commission and they have accepted a Commission of Inquiry. You every day asked us here what is the follow-up action taken and this is what is provided in the Act. Therefore, after the State of Karnataka accepted the Commission of Inquiry, whether they have taken any action against the other chap, viz., Mr. Byre Gowda or according to your own Counsel, Mr. Ram Jethmalani...*(Interruptions)*. Now, Reddiji, there is another thing. You ask Mr. Hedge as to who is Ram Jethmalani. He will tell you. I will not tell because he is not a Member here...*(Interruptions)*.

SHRI HAROOBHAI MEHTA : Will the hon. Minister clarify one point of mine? If Mr. Byre Gowda was found that he was a pawn in the political game of Mr. Hedge, is there any remedy? Let the Minister clarify.

(Interruptions)

SHRI S. JAIPAL REDDY (Mahbubnagar) : Each member utilises the opportunity to cast reflections on Mr. Hedge who is nothing to do about the Commission's report.

SHRI H.R. BHARDWAJ : Mr. Reddy, kindly bear with me. I have given full authority to you, through the Chair and kindly examine if I say anything, any imputations to Mr. Hedge. I will immediately withdraw, if there are any such things. But you should permit me to project my case and the issue before us. I am assisting the whole House. If there is some concern about these values...

(Interruptions)

SHRI S. JAIPAL REDDY : My point is that now Mr. Byre Gowda, in a public statement, has stated that he was aggrieved by the findings of the Commission. If somebody is aggrieved by a Bench Judgement of a High Court, there is appeal. There is no appeal for

a single-man's findings Commission. I would like the Law Minister of India to shed light on this aspect.

SHRI H.R. BHARDWAJ : I tell you that a man with any scruples will not say a word when a Commission indicts him. This is a direct indictment...*(Interruptions)* No. Mr. Byre Gowda has been held untruthful by the Commission because he does not accept its verdict.

(Interruptions)

MR. DEPUTY SPEAKER : Please wind up. The time is now 7 of the Clock. How long it will go on like this? This is not the way raising questions. You are raising some questions. He is answering them. Please wind up.

(Interruptions)

SHRI S. JAIPAL REDDY : The allegations were not found to be true. That is all.

(Interruptions)

SHRI H.R. BHARDWAJ : What is the implication of the allegation in not being found true *(Interruptions)* I am not saying that there is any difficulty. But you are shouting at the top of your voice that this case has been found not true. This is the precise thing. Kindly see as to what extent you have travelled, forget about what they said. What was said was that very top people were involved in this. So many people were involved. What would have happened? Kindly see. This is the problem. I am not going into the issue of Byre Gowda. I am not going into the issue of Moily and I am not going into the question of the Chief Minister. I am not going into all these things. But this is what the people projected in this House: that the evidence is with us. Forget about the tape recording. Where are the finger-prints? Produce them. Who has said it? We have not said it that they have taken finger-prints.

SHRI S. JAIPAL REDDY : The tapes are still there. They are under the custody of the Commission.

SHRI H.R. BHARDWAJ : Finger-prints and everything had been belied...*(Interruptions)* I am making another humble submission to my friend Shri Jaipal Reddy to search his conscience on this issue and take his own decision. I am saying nothing beyond it. I am saying that there is a general concern in the House on certain values and more so when a Leader of the Opposition makes a grievance that he has been done such a harm, it becomes the duty of the ruling party to redress his grievance. If you do not accept this proposition, then it is up to you. But this is what I feel. Therefore when a commission of enquiry was instituted and findings have come, there is no room for anything more to say that this was not done, that was not done because when you go into the investigation before a Commission of enquiry, there is a notice to the public at large; there is notice to the relevant parties under section 8-B, 8-C. Whatever notice the Commission wants and whatever the other side wants, they can have it. But not later on after the finding is given and accepted. Therefore, I am not going into the personal credibility of persons. We are concerned with the credibility of the institutions. The Leader of the Opposition, according to me, is an institution which serves democracy in the way as we do, as the ruling party does. So, in Karnataka, to a Leader of the Opposition something wrong was done. This House has discussed it. I expect that after the Commission of enquiry, something should be done by the State of Karnataka where this same type of confidence, as we have across the table here, is restored in the legislature of Karnataka that they will not be blackmailed; they will not be harassed and they will not be gagged. That is my precise submission. We are prepared to sit with you to set up guidelines. This House can also sit in some forum to discuss and frame some guidelines about what should be done. It is for the other House in the State to decide their business, as we have framed rules on the Anti-Defection Law and other laws. This also can be done so that the opportunity never comes where wrong information is fed to their own leaders and their own leaders say something on the floor of the House. And it is debated generating so much heat. I was not present here in those days, but when

I read the entire debate, I found that the heat generated was unprecedented—even in the papers when I read them even in the midnight. So, I feel that such occasions should not be allowed, because they are a colossal waste of national time, money and other resources of the country. That is where certain things are expected where there is a grievance and where there is a finding. Of course, this is the concern of the Party concerned whose leaders or whose legislators are involved. If something had happened, something had been given as wrong against Mr. Moily, then our credibility would have been completely smashed in Karnataka. Fortunately, that has not happened. But it should equally effect your credibility if it is found that what was said is wrong. Otherwise, there is no use having these investigations and Commissions of Inquiry. My humble submission is this. I have never seen such nice submissions before as were made in the House by Mr. Gadgil, Mr. Virendra Patil and the other speakers because they were all very objectively saying something which was the concern of the entire nation. Therefore, when Mr. Jaipal Reddy started speaking, I thought he would say something very nourishing to the House, but when I found that he was on the same pattern as his Party was in 1983, I was really disappointed. I expected that in his own individual right he would say something substantial to supplement our efforts in the direction in which the Motion was moved. I still hope and believe that we must try to correct wherever aberrations are taking place in democracy because democracy cannot survive, Mr. Reddy, if these things happen. If what has happened to Mr. Moily is correct, then it is really something...

SHRI S. JAIPAL REDDY : What has happened to Mr. V.P. Singh?

SHRI H.R. BHARDWAJ : You have wasted the whole Session on that issue. Why are you talking about it again? Every Singh is with us. There is no Singh on your side. Do not bother. We are all Singhs. Do not bother about him.

SHRI S. JAIPAL REDDY : I am talking

of the problem posed by the Congress people...*(Interruptions)*.

SHRI H.R. BHARDWAJ : I do not want to join issue with you. I can join issue with your friend in Karnataka because we are here concerned about values. Why should we say things which are not befitting our stature in Parliament? Kindly bear with me and appreciate. I am requesting you with folded hands. We want that this issue should go down correctly in the records of Parliament; this verdict of the commission of Inquiry must also be put in the chapters of these books so that the correct thing is before the people who read it subsequently after we are not here. That is why I was saying that this debate was very necessary.

I thank the Members who spoke objectively. So far as Members who spoke with Party-voice are concerned, I will still request them to come out with their morals or conscience, whatever it is, so that they can speak in their Party forum and correct it.

I would, of course, like to say that another friend of ours from Karnataka wants to say something.

MR. DEPUTY SPEAKER : Mr. Nanje Gowda. You wanted to say something. Please be very brief.

19.00 hrs.

PERSONAL EXPLANATION BY
MEMBER

[English]

SHRI H.N. NANJE GOWDA (Hassan) : I should have initiated the discussion. Let me have the satisfaction of concluding the discussion.

MR. DEPUTY SPEAKER : Not concluding. The Minister has concluded. You wanted to say something...

SHRI H.N. NANJE GOWDA : What else can I do? The Minister should have waited for my chance also and then replied.

SHRI JAIPAL REDDY : (Mahbubnagar) : He cannot make a speech now.

MR. DEPUTY SPEAKER : The Minister has already replied. As a special case, I am allowing him.

SHRI H.N. NANJE GOWDA : Unfortunately, my name has been dragged in certain allegations of currying favour from Mr. Ramakrishna Hegde, their Chief Minister in Karnataka. Whoever has said it, it has gone on record and that is why...

SHRI S. JAIPAL REDDY : Not from Mr. Ramakrishna Reddy; from the Janata Government.

SHRI H.N. NANJE GOWDA : Allright, from Janata Government. They should know my relationship, the House should understand my relationship, with Mr. Ramakrishna Hegde, how nice it is, how wonderful it is. Because in 1983 he became the Chief Minister in August—he quoted September or October—in August itself I alleged about his favouring contractors, about his giving spirit to other States and at the same time indenting from the Government of India that there is shortage of spirit you please allot us spirit, and he sells away jolly well At Rs. 2.50 when the market rate was Rs. 30...*(Interruptions)*.

MR. DEPUTY SPEAKER : I am not allowing that thing.

[Interruptions]

MR. DEPUTY SPEAKER : I am not allowing that thing. It will not go on record. *(Interruptions)* Personal allegations I do not allow.

SHRI H.N. NANJE GOWDA : They have done everything to Moily except physically mauling on the Floor of the House. Not only they beseeched this sole line, they have printed it. The Minister also showed. I do