

House that our political parties must ponder over, must sit together and take the situation in Punjab, not in a partisan or a party manner. I am happy, this time again, the House has reflected the national will and Mr. Speaker, Sir, you set the tone. Earlier also, it was your appeal which raised the level of discussion. This time again, you had set the tone and the Members have followed and you have really reflected. You have put the mind of the country and the mind of the nation through this House. I would like to mention one or two points raised by the hon. Members Sri Sultan Salahuddin Owaisi and some other Members, Shri Piyus Tiraky, Prof. P. J. Kurien and also Prof. Saifuddin Soz that we must make all-out efforts to see that normalcy is restored especially in the border areas where such a situation has disturbed the normal life of the people. We have been making very serious efforts—and today luckily too, myself, my colleague Shri B. R. Bhagatji along with the leaders of the Opposition, we had a detailed discussion with the hon. Prime Minister and I am sure some fruitful results will come out from the discussion that we had today and I am sure this House will back up the Government efforts to fight out the forces of disintegration, the anti-national forces, the forces of communalism who are out to destroy the fabric of our national unity and integration and I am sure the House will stand by and also back up the Government in taking up that challenge.

I need not mention about the implementation of the accord because it is a subject matter on which the discussion earlier was also taken. The latest position is known to almost all the Members. We are very keen that the accord is implemented very sincerely and effectively. But, unfortunately, certain problems cropped while implementing the accord. We cannot really take it technically. Dates have been shifted, not unilaterally, dates were shifted because circumstances existed and every time the initiative came from the Chief Minister of Punjab because we were faced with a situation almost like a dead end and we wanted to save further complications. Punjab is already in the thick of woods. We have lot of problems. Another problem added, the State administration might find it even difficult to stand. There-

fore, every time, I request or I advise hon. Chief Minister of Punjab. We were able to adjust. It is not the date which is so sacrosanct. It is the actual effect on the life of the people, how it will affect the people, what will it really produce if that accord is implemented. Three times it has happened. Now we are trying to see that the problems are resolved through mutual consultation with the participation of the concerned parties and an agreeable solution is found.

One thing which is quite heartening is that in Punjab, especially in the big towns, the people are living harmoniously. In spite of the things happening every day, things happening, unbelievable incidents taking place, the basic unity, the mutual confidence of the people is there very much and they are Punjabis and they take pride in this. But we should not allow the situation to really go out of control. It is high time and I am sure, as I mentioned in the beginning of my speech, that we are making a joint effort, national effort, with the involvement of the leaders of the Opposition and, I hope, the Punjab Government and especially Shri Barnala who has been cooperative, who has been helpful, will understand the message, the mood of the House and the country and will cooperate with the efforts of the Government of India, with the involvement of all the political parties, will save the people from any further happenings that have put the Punjabis to shame.

With these words, again I express my thanks to the hon. Members for participating in this discussion.

17.50 hrs.

STATUTORY RESOLUTION RE :
DISAPPROVAL OF THE COMMISSIONS
OF INQUIRY (AMENDMENT)
ORDINANCE, 1986
AND
COMMISSIONS OF INQUIRY (AMEND-
MENT) BILL, 1986—Contd.

[English]

MR. SPEAKER : We take up Items 9 and 10.

SHRI RAM SINGH YADAV (Alwar) :
 Sir, I rise to support the Commissions of Inquiry (Amendment) Bill which has been moved by the hon. Home Minister for consideration.

17 51 hrs

[MR. DEPUTY SPEAKER *in the Chair*]

The hon. Members from the Opposition have contended that promulgation of the Ordinance was not proper on the part of the President. But I might submit here that article 123 of the Constitution of India lays down that, when both Houses of Parliament are not in session, in those circumstances, the President of the Union has the power to promulgate Ordinances. Mr. Chatterjee has contended here that the Rajya Sabha was adjourned on 9th May but it was not prorogued, and when there was no prorogation, during that period, the President of the Union promulgated the present Ordinance and, therefore, it should not have been promulgated. In the Book by Kaul & Shakhder, it has been specifically mentioned that, if both Houses of Parliament are not in session, in that event, the President of the Union has the power, under article 123 of the Constitution, to promulgate Ordinances. Therefore, the Ordinance which has been promulgated and which is now being replaced by the present Amendment Bill is proper and constitutional. The President is the fountain of justice and, therefore, whatever he has promulgated by way of an Ordinance on 15th May, 1986, is constitutional and there is nothing *ultra vires* so far as that is concerned.

The next point which has been alleged by the Opposition is this. In the year 1970, by way of an amendment, Clause 3 of the principal Act was amended and sub-clause (4) was added and sub-clause (4) was that, after obtaining the report of a Commission, within a period of six months, that has to be laid before Parliament; in the present case, the interim as well as the Final Reports which were received by the Government have not been presented within a period of six months and, therefore, simply to conceal those Reports and the facts contained in those Reports, Government has come with the present Bill; by way of

an amendment, they are going to add sub-clause (5) and sub-clause (6) in section 3 of the principal Act. In this regard, my submission is that this contention from the side of the Opposition is not correct. Because this sub-section which has been incorporated by way of amendments in sub-clause 5 and sub-clause 6 can be used only in the exceptional cases. In only exceptional cases when it is in the interest of the nation it can be used. Specifically the word security of the nation and integrity of the nation has been mentioned. If the Government comes to the conclusion that for the security of the nation or in the interest of the integrity of the nation it is not expedient and appropriate to put up the report before the Parliament, in that event the Government is not under any obligation to place the report before the Parliament.

Here again, in this particular commission of inquiry report, already the case is pending in the judicial court, i. e., in the High Court. In the Commission of Inquiry Act it has been specifically mentioned that this report is not the report of the judicial court. Section 6 specifically lays down :

“Statements made by persons to the Commission : No statements made by a person in the course of giving evidence before the Commission shall subject him to or be used against him in any civil or criminal proceeding except a prosecution for giving false evidence by such statement”.

The intention of this Act is that this report shall not be treated as judicial one; nor it shall have effect of the proper verdict of a judicial court. Therefore, it is simply a statement by a tribunal and it is upto the Government to accept or not to accept it.

May I ask the Hon. Members of the opposition that when the Vaidyalingam report was presented in the House whether they urged upon the Government for its implementation ?

SHRI SOMNATH CHATTERJEE (Bolpur) : Laying the report on the table of the House and acceptance are two different things.

SHRI RAM SINGH YADAV : When Vaidyalingam report was presented in the House what did you do ? You are very careful of it, you are very cautious because you are the protectors of liberty, you want to give the cleanliness to the country and you want to put each and every fact before the nation because you are to apprise the nation as to what happened since 1977 to 1980. It was the allegation made against ** relatives by the then Prime Minister. It was the allegation made by the then Home Minister against the relatives of the then Prime Minister. That was so crucial a report. When it was presented before the House Mr. Chatterjee was a Member of the House. But he had never asked that there should be a discussion on the report in this House. I would like to know whether he has asked for it or not. Is it not important that politicians..(Interruptions) ...**

SHRI S. JAIPAL REDDY (Mahbubnagar) : We demanded action on the basis of that report. You do have the courage.

SHRI RAM SINGH YADAV : Mr. Charan Singh, who was the Home Minister at that time was interviewed by the press people at Calcutta. What he replied was that he was surrounded by dishonest persons. It was a statement of the Home Minister at that time.

SHRI S JAIPAL REDDY : You read the letter of Mr. Kamalapati Tripathi.

(Interruptions)

SHRI RAM SINGH YADAV : Was it not proper on the part of the opposition to know about those facts, to discuss those facts, to let the whole nation know what Mr. Vaidyalingam had said ** you are the protectors of liberty, you are the protectors of the interest of the people and you are the persons who are going to apprise the people of the country about the development which has taken place. **

18.00 hrs.

MR. DEPUTY SPEAKER : Please conclude.

SHRI RAM SINGH YADAV : Not only this but I may also remind our old and Gandhian leader, Mr. Dandavate, Mr. Ready please hear. (Interruptions) There is a Commission of Inquiry report against** What happened to it.

SHRI S. JAIPAL REDDY : Your party is in power in Orissa.

SHRI RAM SINGH YADAV : I am referring to years 1977-80 when you were in power whether you were vigilant. Did you ever ask that Commission of Inquiry report against** should be discussed and implemented ?

SHRI S. JAIPAL REDDY : Sir, he is referring to the leader of the Opposition...(Interruptions)

MR. DEPUTY SPEAKER : If there is any allegation I will not allow. I will go through the record. If there is any allegation I will expung it.

SHRI S. JAIPAL REDDY : Mr. Deputy Speaker, I know**

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM) : Sir, the hon. Member should withdraw those remarks. I do not think he can accuse the Chair**

I think he should withdraw those words.** It is on the record. I think you should withdraw it.

MR. DEPUTY SPEAKER : That is not the way, Mr. Reddy. You have to withdraw those words. You cannot cast aspersion on the Chair.**

SHRI P. CHIDAMBARAM : You said it in anger but please withdraw it now.**

SHRI S. JAIPAL REDDY : Sir, I said I want to draw your attention.... (Interruptions)**

PROF. MADHU DANDAVATE (Rajapur) : Sir, he meant** He did not say about the Chair.

MR. DEPUTY SPEAKER : No. He told about the Chair.

PROF. MADHU DANDAVATE : Sir, the grammar was wrong.

MR. DEPUTY SPEAKER : Do not blame the grammar ?

(Interruptions)

SHRI P. CHIDAMBARAM : He should withdraw it.

MR. DEPUTY SPEAKER : Let him withdraw it.

SHRI S. JAIPAL REDDY : If you feel..(Interruptions)

MR. DEPUTY SPEAKER : I oppose the manner of using the words** I am not being strict. I am always lenient to every person and group.

PROF. MADHU DANDAVATE : Sir, all that he meant was that he will expose your leniency.** Sir, on his behalf...

MR. DEPUTY SPEAKER : When the Professor is coming forward why does not the Member come forward ? It is not fair. You have to withdraw.

SHRI S. JAIPAL REDDY : I follow your advice provided you tell me what should I withdraw ? (Interruptions)

SHRI P. CHIDAMBARAM : I will tell you what you should withdraw.

(Interruptions)

SHRI S. JAIPAL REDDY : Please go through the record and whatever part you want to expunge you expunge. I did not mean any dis-respect to the Chair.

MR. DEPUTY SPEAKER : No. No. Just now you told.

PROF. MADHU DANDAVATE : He is saying he did not mean any dis-respect to the Chair. He only meant disrespect to the Government.

SHRI P. CHIDAMBARAM : I cannot understand why the hon. Member who obviously said something in anger cannot now withdraw with grace those words which he said. Everybody knows what you said. Record can be read back to the hon. House We know what you said. You simply withdraw.

SHRI S. JAIPAL REDDY : What did I say ? Can the Minister explain ?

SHRI P. CHIDAMBARAM : I have not to explain. Why should I explain ? What you said was..

PROF. MADHU DANDAVATE : If you quote it will mean devil quoting the Bible.

SHRI P. CHIDAMBARAM : I do not mind being the devil as long as your words do not go into your Bible. Your Bible might be spoiled by those words. So you withdraw those words.

SHRI S. JAIPAL REDDY : What did I say ?

SHRI P. CHIDAMBARAM : Why don't you simply withdraw the words ?

SHRI S. JAIPAL REDDY : Am I to withdraw the whole thing I said ?

SHRI P. CHIDAMBARAM : Those two sentences should be withdrawn.**

SHRI S. JAIPAL REDDY : I have not said. I never said.

SHRI P. CHIDAMBARAM : What did you say ?

SHRI S. JAIPAL REDDY : I said I will..(Interruptions) I never used that word.**

SHRI S. JAIPAL REDDY : You expunge it;

**Expunged as ordered by the Chair.

MR. DEPUTY SPEAKER : You withdraw it.

SHRI S. JAIPAL REDDY : If I said it, I withdraw it. Sir, I am now on a point of order. Reference has been made to the former Prime Minister**, who is not in the House. This must be expunged.

MR. DEPUTY SPEAKER : If it is an allegation I will expunge.

SHRI S. JAIPAL REDDY : Yes it is an allegation.

MR. DEPUTY SPEAKER : If it is an allegation I will expunge it.

SHRI P. NAMGYAL : He has got every right to quote it.

SHRI S. JAIPAL REDDY : He has made an allegation. It should not go on record.

MR. DEPUTY SPEAKER : Mr. Reddy, I am saying if it is an allegation I will expunge it.

SHRI S. JAIPAL REDDY : What is an allegation ?

MR. DEPUTY SPEAKER : Any allegation against any person I will expunge.

SHRI S. JAIPAL REDDY : No eminent person can be reflected on. Reflection was sought to be cast on none other than the Prime Minister of India. A reflection was sought to be cast on the former Prime Minister of India.

MR. DEPUTY SPEAKER : I will go through the record. If it is an allegation I will expunge it.

SHRI S. JAIPAL REDDY : If through a reference an aspersion is cast, a reflection is cast then it cannot go on record. It would not go on record.

MR. DEPUTY SPEAKER : I have told you I will expunge it. I have already

said that I will go through the record. Mr. Yadav, please wind up.

(Interruptions)

PROF. MADHU DANDAVATE : Sir, if you expunge then half of this lecture is gone. So you may give him more time.

SHRI BIPIN PAL DAS (Tezpur) : Sir, we never use defamatory words against anybody.

SHRI S. JAIPAL REDDY : Sir, I did not say that he had used defamatory words but his speech consisted of aspersions on the former Prime Minister. (Interruptions) Sir, if this is the precedent then we will have to draw upon the precedent in future and I want the Chair to bear this in mind.

MR. DEPUTY SPEAKER : I have already given my ruling.

SHRI S. JAIPAL REDDY : What is your ruling ?

MR. DEPUTY SPEAKER : I have already said that if there is any allegation on the person I will expunge it. Mr. Yadav please wind up.

SHRI RAM SINGH YADAV : Sir, I was narrating that so many commissions have been appointed. So many inquiry reports are there. They have been presented in the Houses also, in the State Assemblies and Parliament also but the Opposition has never demanded any implementation on those reports although they were with regard to the allegations against the corruption of the persons in the office. (Interruptions) There was a commission against ** the Chief Minister of Punjab. The Commission of Inquiry report came in. It was never implemented. What happened to that report ? (Interruptions) Why are you worried ? Try to understand these things.

(Interruptions)

**Expunged as ordered by the Chair.

MR. DEPUTY-SPEAKER : No interruptions Please. Mr. Yadav, please wind up now.

SHRI RAM SINGH YADAV : As I was telling, the practice in Parliament as well as in the State Assemblies has been that the reports of the Commissions of Inquiry are not discussed in the House ; it may be laid in the Parliament or the State Assemblies. And then it has never been implemented in all cases and never been insisted upon by the Members of the opposition parties for their implementation and discussion. I do not say that it has happened in almost all cases. For some of the cases, the reports have not been discussed and not implemented especially during the period when the opposition was in power, that is the period from 1977 to 1980. There was a Commission of Inquiry report against ** the then Chief Minister of Punjab. In 1977, the Opposition allowed him to be the Chief Minister again, when there was a report of the Commission of Inquiry against him. Who implemented it and who acted upon it ?

PROF. MADHU DANDAVATE : We are prepared to withdraw from power with retrospective effect.

SHRI RAM SINGH YADAV : The present legislation is in consonance with the practice already prevailing in the country. It is nothing new and this amending Bill does not give any new powers to the Government. It is, in fact, in the larger interest of the nation. I think, in the atmosphere of amity and sobriety, in which the Punjab problem has been discussed by the opposition and the ruling party Members, the opposition would consider this amendment in the same spirit also. This amendment is on sound footing and I, therefore, support it.

18.13 hrs

BUSINESS ADVISORY COMMITTEE

Twenty-fifth Report

[English]

THE MINISTER OF STATE IN THE
MINISTRY OF PARLIAMENTARY

AFFAIRS (SHRIMATI SHEILA DIKSHIT) : I beg to present the Twenty-fifth Report of the Business Advisory Committee.

MR. DEPUTY-SPEAKER : Now. Papers to be Laid on the Table. Shri Gadhvi.

SHRI SOMNATH CHATTERJEE (Bolpur) : Sir, I rise on a point of order. This is a very important matter, because they seek to lay copies of notifications giving certain concessions and exemptions in excise duty and customs duty. It does not mention what the items are. What are the Members supposed to know from this, on what items the concessions have been given and exemptions have been given in excise duties.

MR. DEPUTY-SPEAKER : That is why, the notifications are being laid on the Table of the House.

SHRI SOMNATH CHATTERJEE : It has to be mentioned in the intimation to the Members. This is not even a summary of the notifications. I am not asking for details, but they must mention in respect of which goods these concessions and exemptions in excise duties are. This must be stated.

MR. DEPUTY-SPEAKER : You can look into the notifications ; these are being laid on the Table of the House.

SHRI SOMNATH CHATTERJEE : But I must know something about them now. These are very important powers given to the executive and these have to be exercised with great amount of circumspection and the requirement is that it has to be laid before the House. But the House is not told what these items are and on which these concessions and exemptions in excise duties and customs duties are being given.

**Expunged as ordered by the Chair.