

foundation stone, the district collector, Shri Raja Ram and the Superintendent of Police Shri Ram Singh Meena gave a hint to the police officers and got us bashed mercilessly. The former member of Legislative Assembly, Shri Kesrinath Pandeya and hundreds of workers were with me. We were badly beaten and received hand and leg injuries. When I asked for water, I was not given water and I was abused in most filthy tone, "Sale, tumko peshab pilayenge". In fact I was made to take urine and then I was thrown in a vehicle and was taken around the city the whole night.

[Translation]

They intended to kill me but they could not do so as I was accompanied by the workers of my party. In this incident the police entered into the houses and not only raped the ladies but also looted their houses. Out vehicles were badly damaged. I and Shri Kesrinath Pandey were arrested and they kept us mobile whole day and night. We were in a state of helplessness. Our workers were detained in separate police stations. Hundreds of bullets were fired at us as also tear gas sticks were lobbed. Criminal cases were registered against 53 persons which include poor children and our workers under various serious sections Indian Penal Code. I wrote to all the officers concerned including the hon. Minister of Home Affairs, the hon. Governor, the hon. Chief Minister but the cases registered against us were not withdrawn. I cannot move freely in my constituency due to the concerned police officers and the personnel posted in my constituency. When I move out of my house, all the police stations are informed on wireless about my movements. They are bent upon killing me. At present, Mr. Kamal Sexena is the Superintendent of Police there. In spite of my writing several letters to the hon. Minister of Home Affairs and the hon. Governor, no action has been taken so far. Since the Director General of Police of U.P. is also a Saxena, Shri Kamal Sexena is not being transferred from there. I would like to demand that Rs. five thousand should be paid to each of the affected persons and all the Officers involved in this incident should be suspended and disciplinary action should be taken against them. First of all Criminal cases registered against us should immediately be withdrawn.

Sir, you had assured in the House to refer the matter to the Committee of Privilege but that also could not be done. In this case the hon. Governor should be directed to suspend and transfer the all concerned police personnel and officers as also the Superintendent of Police Shri Kamal Sexena, should be immediately suspended and transferred.

[English]

MR. SPEAKER. I would request the Government to study the statement made by the hon. Member very carefully and take appropriate action and intimate me what they have done.

12.39 hrs.

#### QUESTION OF PRIVILEGE

RE : ALLEGED PAY OFFS AND INDUCEMENTS OFFERED TO SOME MEMBERS FOR VOTING AGAINST THE NO-CONFIDENCE MOTION ON 28 JULY, 1993

SHRI ARJUN SINGH (Satna) : Sir, with your kind permission, I take the leave of the House to raise a matter of privilege.

MR. SPEAKER : I am allowing you to raise it to explain as to how it is admissible.

SHRI ARJUN SINGH : Sir, admissibility is an ultimate prayer.

MR. SPEAKER : I will not restrict your statement. But that would be the main point.

SHRI ARJUN SINGH : Naturally, Sir. If it is not admissible, then why would I be speaking here? I am not saying that it should be admitted only because I am saying so. Admissibility in a Motion of Privilege is a matter which is beyond all Party considerations. It is the signity of the House that is in question and the House decides this question not on Party-lines but taking into account the totality of the will of the House.

SHRI SOMNATH CATTERJEE (Bolpur) : Sir, may I take half a second? Sir, a serious matter is being raised and the question of admissibility, etc. will be there. We wish to make some humble submissions.....(Interruptions)

MR. SPEAKER : Okay, I will allow you.

SHRI SOMNATH CHATTERJEE : The only thing is that we are having a meeting with the hon. Rashtrapatiiji now. Therefore, could it be taken up a little later, at 2 O' Clock? ..... (Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (DEPARTMENT OF DEFENCE RESEARCH AND DEVELOPMENT) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN) : You take it at 2 O' Clock. But, in the meanwhile, Sir, let us take the vote-on-account. .... (Interruptions)

[Translation]

SHRI RAM VILAS PASWAN (Rosera) : How can vote on account be taken now? No decision has been taken on it. (Interruptions)

[English]

SHRI MALLIKARJUN : What do you mean by that ? This is also equally important for us .....(Interruptions)

SHRI SOMNATH CHATTERJEE : Shri Arjun Singhji, then you continue your submission. We shall come and join later on.....(Interruptions)

SHRI UMRao SINGH (Jalandhar) : Sir, I would like to raise an urgent matter.....(Interruptions)

MR. SPEAKER : I will allow you to make your statement.

DR. KARTIKESWAR PATRA (Balasore) : Mr. Speaker, Sir, regarding SCST issue, I have tried myself to draw your kind attention. I may be allowed to make my submission....  
(Interruptions)

MR. SPEAKER : Not now, Shri Arjun Singhji is on his legs.

DR. KARTIKESWAR PATRA (Balasore) : Sir, kindly allow me after him .....(Interruptions)

MR. SPEAKER : On what ?

DR. KARTIKESWAR PATRA : On SC and ST people ....  
(Interruptions)

MR. SPEAKER : you can raise it after this matter is closed.

SHRI ARJUN SINGH : As I have prefaced my statement while drawing the attention of this august House to this serious matter, I must, with your kind permission, be allowed to say not by way of a complaint but certainly with a sense of regret. I would have very much liked and I am sure, Sir, the House will agree with me that a matter of this nature should have been the subject matter of discussion in the House the very first day or the second day or the third day of this current Session.

I know there are certain procedures to be followed and the hon. Speaker is duty bound to follow those procedures. They have to be done and I am sure that has been done. I am not aware of anything except what I came to know from a telecast made a few days ago, where it was mentioned that the Prime Minister in reply to the notice sent by you in concerning this matter has denied the allegation made by me....(Interruptions)

THE MINISTER OF STATE OF THE MINISTRY OF STEEL (SHRI SONTOSH MOHAN DEV) : It was told in the House also .....(Interruptions)

SHRI ARJUN SINGH : Kindly bear with me. I am not saying that a Member cannot make a statement. This Parliament and any Parliament, Sir, is a run on certain procedures. On any issue any Member is free to make a statement. But if I have any knowledge of the law of privileges, when once a matter is seized of by the Speaker and he gives any Member a right to reply to whatever notice is sent, I think, that is a privileged matter. It cannot be disclosed publicly. It has to come to the House; through the procedure it has to come. That is what I am saying....(Interruptions)

SHRI SONTOSH MOHAN DEV : Sir, it is against my leader. I would like to say that during one of the discussions when Shri Vajpayee Ji raised it, you yourself told, "I have got a letter from the leader denying the allegation." That was broadcast in the Radio. How could it be a privilege issue? .....(Interruptions)

SHRI ARJUN SINGH : I would like to say very clearly that before the hon. Speaker made this reference in this House, this news was telecast. Now I will close that matter there because that is something in which .....(Interruptions)

SHRI JASWANT SINGH (Chittorgarh) : Mr. Speaker, Sir, a very substantial point has been made and having been made, with all respect in regard to hon. Shri Arjun Singhji, I would say that it does not lie upon him or with him to close the matter. Sir, it is a very serious matter and he cannot close the matter.....(Interruptions)

SHRI ARJUN SINGH : I am not closing the matter .....  
(Interruptions)

SHRI JASWANT SINGH : You cannot close the matter because you have said and I am witness to that. If a Motion of privilege referred by you and a reply to that Motion of privilege is broadcast before it is referred to you, referred by you again a pronouncement from the Chair, by Doordarshan or All India Radio then it is a very serious matter and with all regard to Shri Arjun Singhji, he cannot say that he is closing the matter, He cannot close it now.....(Interruptions)

SHRI ARJUN SINGH : I am not closing it and I do not want to stop my entire argument on it. I have brought it to the notice of the hon. Speaker. It is now for him to take notice of it.

SHRI JASWANT SINGH : I would therefore, be only underlining what he has said that if this has been brought to you notice, this is a serious breach of the privileges of the House.

MR. SPEAKER : If it is a breach of privilege and if you give me a notice, I will look into it as to what has to be done.

SHRI BUTA SINGH (Jalore) : With your permission, I want to say something on this limited issue.

MR. SPEAKER : May I request the Members that since these are matters of facts, without going into the details, please do not make any assertion? We are all human beings likely to commit mistakes on facts.

SHRI BUTA SINGH : On facts only, Sir.

MR. SPEAKER : I was not telling about you.

SHRI BUTA SINGH : Sir, the Houses knows, the country knows and you are very well aware that this matter was not only made public in a big Press Conference but also this same Press conference was televised before anything was mentioned in this House or any notice was given to the hon. Speaker or to this House. Therefore, having done that, I do not know whether Shri Arjun Singhji knows that fact or not. If that is the fact, then the affected Members, whether it is the Prime Minister or an ordinary Member of this House, had a right to rebut in public ; and if it goes and it has to come to the television, there is nothing wrong. There is no technical point involved in it.

SHRI RAM KAPSE (Thane) : Sir, kindly refer to the Press conference of Mr. Atal ji. If it is, the Privilege Motion by Mr. Arjun Singh, related to that, then it is highly objectionable and therefore, we would like to give a privilege notice on this.

SHRI ARJUN SINGH : Sir, I think, I would like to make it clear that this is not an effort to treat privilege against privilege and thereby reduce the seriousness of an issue, irrespective of whatever be the decision today. Let us not



forget that we will be creating a precedent, a precedent which will be looked up to and also it can look down upon by successive Parliaments that will come according to how we apply our mind to this serious matter. I, for one, can say very pointedly, Sir, that having sent this notice to you, I did not, either before sending the notice or after sending the notice, talk about this anywhere in public. Now the question is about the ingredients which will impress the hon. Speaker about the admissibility or otherwise of this Privilege Motion. I do not want to read out the entire notice because it is already in your possession.

SHRI JASWANT SINGH : Sir, I am on a point of order.

If you are on Rule 225, then the notice has to be read out because once you have accepted, Sir, that notice.....

MR. SPEAKER : I have said it

SHRI JASWANT SINGH : Once you are on the admissibility of it, then if you are on the admissibility, you would have told us what we are discussing. You have to read it out.

SHRI ARJUN SINGH : Okay, Sir, I will read it out. My request to you was under Rule 222, 223.

Permission may kindly be accorded for raising on the floor of the House today, the 27th February, 1996, a question of breach of parliamentary privilege and contempt of the House against Sarvashri Shibu Soren, Suraj Mandal, Simon Marandi, Shailendra Mahto, Members of the House. The Prime Minister, Shri P.V. Narasimha Rao was a direct party to these transactions. The facts are as follows :-

(1) On 28th July, 1993, these Members of the Opposition were influenced and pressurised through improper means and did not vote for the No-confidence Motion in the Narasimha Rao Government.

(2) Documentary evidence which shows that monies were deposited in fixed deposits/savings bank accounts as per details in the enclosure.

The matter is being sought to be raised at the earliest possible opportunity as the hard evidence in the matter became available only during the last inter Session period.

It is submitted that the matter requires immediate and serious intervention of the House. It is a clear case of breach of privilege and contempt of the House because:

By accepting money for not voting for a Motion before the House the Members violated the privilege of freedom on the floor of the House and brought the House into odium and ridicule and lowered its dignity in the eyes of the people.

We are of the view that the freedom of the Members in their conduct in the House was compromised and they got influenced by improper means not to vote for the No-Confidence Motion in the Rao Government.

The Prime Minister, in order to save his Government from defeat, became a direct party to this effort to

influence by improper means these M.P.'s not to vote for the No-confidence motion. This constitutes clear breach of privilege and contempt of the House by the Members who accepted improper gratification in the matter of voting on the Motion of No-Confidence and also the Prime Minister for having aided and abetted this

In view of the gravity of the matter, it is hoped permission to raise the matter would be given readily.

There are two aspects in this matter. One was the transaction of pecuniary benefit, it is documented by the bank accounts which are now public knowledge but this House had no knowledge of it, because it did not come before this House through any other means. If this matter had come to this House through this Privilege Motion the House also would have been seized of this, on the 27th or 28th whatever date it was. The fact is that none of these Members have refused that they are not owners of the pecuniary benefit. Yes, explanations have come and I will accept every hon. Member's explanation.

SHRI PAWAN KUMAR BANSAL (Chandigarh) : One simple point I would like to raise.

KUMARI MAMATA BANERJEE (Calcutta South) : I also want to raise a point.

SHRI PAWAN KUMAR BANSAL : A reference is being made to other Members besides the Prime Minister. I would like to know whether we have the replies of other Members also because one those Members, two of those Members, stood up in this House.....(Interruptions)

MR. SPEAKER : They have made a statement on that.

SHRI PAWAN KUMAR BANSAL : They have made a statement in this House. But I would like to know whether their reply is given in this matter also.

SHRI ARJUN SINGH : That is something which only the Hon. Speaker knows.

MR. SPEAKER : I have not received a reply and I am not going to wait for the reply having given notice to all those people.

SHRI ARJUN SINGH : Sir, I am grateful to you. I could not have requested you for this information because I do not have the right to request you for that. But I am grateful to Shri Pawan Kumar Bansal for having facilitated my work. (Interruptions) With all due respect to all the hon. Members in the House I would like to make a very humble request that this matter is not a matter in which we have to trade charges and it is not my purpose. I have the highest respect for every hon. Member. The fact is that if such a state of affairs is initiated and allowed to continue, what will be the respect of this Parliament in the eyes of the people and also in the eyes of the Members?

SHRI PAWAN KUMAR BANSAL : These are loaded questions.

MR. SPEAKER : I will allow you a chance to rebut to all the points. Please note them down on a piece of paper and make the points.

(Interruptions)

MR. SPEAKER : I will allow you also.

SHRI ARJUN SINGH : Sir, we are aware that this matter is being inquired into at various other levels. I do not want to refer to it for other two reasons and that is why I want to impress that the Houses should have taken the first opportunity to go into this matter because it is directly related to the dignity of this House. It is being investigated on the direction of a court and according to the newspapers reports it is being investigated by the Income-tax Department. I do not want to say anything because my saying anything .....(Interruptions)

DR. KARTIKESWAR PATRA : Sir, I am on a point of order.

MR. SPEAKER : Under what Rule?

DR. KARTIKESWAR PATRA : Sir, it is under Rule 223. I want to know about the question of privilege. The notice has been supplemented with a concrete document.

Secondly, rule 224 says and I quote: "Not more than one question shall be raised at the same sitting". In this sitting, this question of giving money to those Jharkhand people has been raised. So, this question cannot be raised again. Once the Motion has come in this House and discussed by Shri Atal Bihari Vajpayee and other Opposition Leaders of this House in the form of Motion, this should not also be brought to the House again in the form of privilege motion.

Thirdly, I want to categorise here that if the hon. Member has enough privilege to raise a question of privilege in this House, there is no doubt. But this is some sort of breach of privilege that he has brought these allegations against the Prime Minister, having worked on some sort of a *prima facie* and if *prima facie* is there then you should consider allowing the hon. Member to discuss in this House. If *prima facie* is not there then he should be restrained to raise this Motion in this House.

SHRI JASWANT SINGH : I am on this point, otherwise the point is very substantial that the two Motions cannot be raised in the same House. The other point that the hon. Member has said that the privilege motion cannot be discussed under some other Motion Rule 184, 193 or whatever, is by itself a substantial enough point. But, as a matter of fact, I do wish to place on record that we certainly and hon. Shri Arjun Singhji had raised this matter in the House, and during his intervention he had said that the fact that we are speaking on Rule 184 should not mean that we are going to be precluded from raising a separate privilege motion. You, Sir, from the Speaker's Chair here then good enough then to observe". "No, the question of privilege cannot be precluded and we will give you a chance to say what you have to say. I wish to just simply state that point.

KUMARI MAMATA BENERJEE : Sir, I am on a point of order.

MR. SPEAKER : On a different point of order I will hear. But there is no point of order on a point of order. but I will hear you.

(Interruptions)

MR. SPEAKER : Now, what Shri Parnigrahi has said...

SEVERAL HON. MEMEBERS : He is Dr. Kartikeswar Patra.

MR. SPEAKER : My profoundest appologies to Dr. Patra. There is some substance in what you say. I have taken the decision to allow Shri Arjun Singhji to speak on this point because the Motion under Rule 184 was very carefully worded and it was worded in such a fashion as not to trespass into the area of breach of porivilege also. That is why when the raised it, sometimes I dread to think what I am doing. Sometimes, a point is raised and I respond immediately. When I respond immediately without pondering over all the implications and when my words are also quoted to support their statements then I think I should not be responding always like that. But then I had applied my mind to some extent and I have carefully said that this issue will be allowed and I am allowing him to raise it. What you have said is correct.

The other point you have said that it should be supported by documents. Now you are right. It has to be supported by documents. He was produced two documents. I suppose one statement is from Shri Mahto and the other document is a copies of the bank receipts and all those things. These two sets of documents have been produced before me. Now, these are the douments which have been produced and you are right when you say that the Member is not generally allowed to submit documents later on. So, whatever document he has to submit he has to submit along with the notice and he has done that.

13.00 hrs.

He is relying upon those documents, so I cannot take objection to his referring to these documents. What importance has to be given to documents, whether they are proved or not proved, what are the contradictory statements, all these things are completely different. But he has given the documents and you are right on that point. The hon. Member Arjun Singh Ji, who is senior Member, has done that and that is why I am allowing him.

THE MINISTER OF STATE IN THE MINISTRY OF NON-CONVENTIONAL ENERGY SOURCES (PROF. P.J. KURIEN) : Sir, I have to make one point.....(Interruptions).

MR. SPEAKER : No, please. Not like this.

PROF. P.J. KURIEN : Only one point, Sir, with regard to the first document. When that Member himself has, in this very House, denied that, will not that document become infructuous and meaningless?

MR. SPEAKER : Well, that is exactly what I would request the hon. Members to consider. These are very tricky areas and if you are treading into the tricky areas, speaking for the breach of privilege or against it also, you are treading into very very difficult areas. What you have said is right but I cannot go on advising all the Members to rely upon it or not to rely upon it. I leave it to them to rely upon it or not...

*(Interruptions)*

PROF P.J. KURIEN : I am not saying that, Sir. I am only saying that the hon. Members' statement in the House has got superiority and precedence over his statement made outside.

MR. SPEAKER : You make that statement when you speak, please.

DR. KARTIKESWAR PATRA : I am on a point of order, Sir.. *(Interruptions)*

MR. SPEAKER : Please take you seats. I am not going to disallow you to speak but please do not interrupt in this fashion and have pity on me because my understanding is not so great as to grasp all the nice points you are making. and to respond immediately on all those things. You make the points in your speeches.

SHRI MRUTYUNJAYA NAYAK (Phulbani) : I am on a general point, Sir.

MR. SPEAKER : Then it is all the more difficult for me to decide.

SHRI MRUTYUNJAYA NAYAK : No, Sir, I am on a point whether the signature of Mr. Mahto has been identified. That is my first point. My second point is ..... *(Interruptions)*

MR. SPEAKER : I shall allow this statement to be made later on, not now. You jot down the points, I shall allow you to speak.

SHRI MRUTYUNJAYA NAYAK : I have got another point to make, Sir.

MR. SPEAKER : You make all the points together.

DR. KARTIKESWAR PATRA : Only one point, Sir.

MR. SPEAKER : No more point, Patraji. Having made good points, you should not make the points again.

DR. KARTIKESWAR PATRA : Only one point, Sir. This is the occasion when I beg appology to you to raise the question of privilege against the Member who is raising this question. He is making allegations against our hon. Prime Minister and, in return, this is my submission, Sir.

SHRI ARJUN SINGH : Sir, we should not deny the hon. Member the satisfaction of doing what he wants to do.

Sir, I have brought these matters to your notice through this procedure of the House, requesting for an inquiry, which can take place only when the hon. Speaker admits it and has an inquiry conducted. I am no one to conduct an inquiry. No individual Member can conduct an inquiry. The inquiry can be conducted only as laid down in the procedure of Parliament, and that inquiry will be conducted either by the Privileges Committee or there have been instances in the past where sub-committees have been formed, like in the Mudgal case where it has been pointed out that the conduct of a Member is unbecoming of a Member of this House.

SHRI RAM NAIK (Bombay North) : Or the House can take cognisance.

SHRI ARJUN SINGH : Or the house can take cognisance. I personally cannot start answering all the queries but if the inquiry is shut out, then all these queries will have to be put in the air and answered in the air, and the lingering doubt and shadow will remain on this Parliament that when we were posed with certain serious matters, we decided to sidetrack it and not go into it in the manner that the procedure of this Parliament lays down. This is the whole substance of this case. Please do not think that I am trying to say this out of enmity to A, B or C. I am far from it. What the hon. Members have stated in this House, I shall come to that also because they have been very candid.

It is their candidness which, I will submit, Sir, has brought home the point that improper influence was exercised by the Prime Minister to influence their votes in the House... *(Interruptions)*

MR. SPEAKER : You note all the points and you will have the right to reply.

SHRI MRUTYUNJAYA NAYAK : I went to correlate points.

MR. SPEAKER : I think you are confusing me. Do not do it. Please help me.

SHRI ARJUN SINGH : Sir, the inquiry about the receipt or non-receipt, the purpose of the receipt how it was spent or not spent is what has to be done by a forum, as has been mentioned, which is already laid down in the Rules of Procedure - Privilege Committee, Special Committee or by the House itself. As to whether you, hon. Sir, consider it appropriate to go into that will depend on how the case is presented in this House and then you will apply your judicial mind to it and come to a certain decision which normally everyone will accept. I will accept. Now, when I saw the statement of the hon. Members, it was nowhere said, certainly not in my notice, that the Prime Minister personally paid any money to them. I have not said that. The improper influence on them was certainly exercised. This is mentioned in my petition.

Now, Sir, when the statements of the hon. Members were made in the House explaining away the allegations that were made in the course of the debate on the Motion on Rule 184, the hon. Member Sh. Suraj Mandalji says, and I am quoting from his speech which was made here on 28th February, 1996. He says and I quote :

*[Translation]*

You can see the proceeding of that day i.e. July, 28, 1993 when the Motion was taken up. I had stated that if the hon. Prime Minister is ready to solve the Jharkhand problem. I should certainly vote for him otherwise not. The hon. Prime Minister promised in the House but when his Government survived we were cheated and a secret pact was made with Government of Bihar.

*[English]*

This is what the hon. Member has said. Later on in his speech, he again reverts to that matter and again I quote :

[Translation]

I thought any Government which is formed, will impart justice to us. But now, I have come to know that nobody imparts justice to us. I, therefore., called on the hon. Prime Minister with Shri Buta Singh. The hon. Prime Minister had assured to look into the matter personally. Shri Buta Singhji is a harijan and was Home Minister. COGM Committee was set up after efforts made by him. We were members of the Committee. He made efforts to help us. Shri Buta Singh ji told us that that was the right time to meet the hon. Prime Minister and if he could make a deal, the Council could be formed. But later on, the Prime Minister made a compromise with the Government of Bihar.

[English]

Now Sir, I will draw the attention of the House to the very correct statement made by a senior Member of this House, hon. Shri Buta Singhji .....(Interruptions). I would like to say what Buta Singhji has said has not been controverted by Suraj Mandal. It has been endorsed by him.

Sir, Buta Singhji also spoke on 28th February, 1996 and I quote from his statement and I repeat it again that I am attaching no odium to him. I am not making any accusation against him. I am not holding him guilty of any breach of privilege. But I have to quote his statement because it is relevant to the subject matter before this House. He says;

"While the Jharkhand Mukti Morcha people called upon the Prime Minister. I was with them and this issue of Jharkhand Development Council was broadly considered in principle. that was all and I remember when the hon. Prime Minister was making his reply in this very august House towards the end of the speech, the hon. leaders from the Jharkhand Mukti Morcha got up and interrupted the Prime Minister to say that, you have not given us any assurance on the Jharkhand Development Council, and the hon. Prime Minister did respond to that extent positively saying that this issue is engaging the attention."

So, this proves two very clear things, one that such a meeting took place. The hon. Member has said that, hon. Buta Singhji has said that. The Prime Minister, while responding to this debate in the House, by saying that in principle it will be considered, has clearly confirmed that the conversation took place. That is why he was responding. I think, to prove the allegation of improper influence to get the persons' vote in the House, this criterion is enough to satisfy the hon. speaker that a real breach of privilege has taken place and now just because... (Interruptions) You can shout me down. But let me tell you, you cannot shout down the history. History will point a finger of accusation against those people who have the authority and power in this house to conduct the House in a manner that is desired.

Sir, grave things have happened in this House and many situations have been faced by resorting to methods

which are not only questionable but a certain breach of privilege and therefore, Sir, I request you, in all humility, that you may kindly give your consent to this matter. Since the whole thing now is before the House. It is a request that I would like to make to you to let the House to come to a conclusion. There is no time to refer it to a Privileges Committee and there is no time to constitute a Special Committee, because the house is coming to an end in a few days. I think this House must, in its own wisdom and with the gaze of history on it, the gaze of posterity on it, the gaze of the future on it, decide in good conscience whether the conduct in this House will be such which enhances the prestige of the House, makes it something which people can look up to or the conduct shall be for making petty games at the cost of the dignity of the House. This is what the House should decide. (Interruptions)

MR. SPEAKER : I am going to allow you. Please do not stand up like this.

DR. KARTIKESWAR PATRA : Mr. Speaker, Sir, I would like to bring to your kind notice Rule 224 (ii). It says:

"the question shall be restricted to a specific matter of recent occurrence."

Now, I would like to know whether that No-Confidence Motion in which this occurrence was there is a recent occurrence.

Sir, there are two things. What is the recent occurrence? The recent occurrence was the Motion which was raised in which one Member once stated that he had taken money and subsequently he had also stated that he had not taken money. These are the two things. One is earlier occurrence and the other is the second occurrence. I want to know from your honour whether this can be....

MR. SPEAKER : You are putting questions to me.

DR. KARTIKESWAR PATRA : Sir, the specific question is, whether this can be treated as a recent occurrence. This occurrence, the No-Confidence Motion has taken up in the Month of July, 1993 (Interruptions)

MR. SPEAKER : I will allow you. Please do not raise your hands. I have noted down your names.

DR. KARTIKESWAR PATRA : That occurrence, the Non-Confidence Motion was probably taken up in July, 1993.

Sir, if somebody raises a question in this House relating to the occurrence of one decade ago, could that occurrence be brought in the form of a Privilege Motion?

MR. SPEAKER : Right Dr. Patra. Dr. Patra has made a speech, I do not know whether he has raised a point of Order.. But he is putting a question to me. It is a pertinent question. If, I have understood Sri Arjun Singh Ji correctly, he is saying that as far as the payment of money is concerned, he is not so much relying on that as on the influencing a Member of the House.

SHRI ARJUN SINGH : Sir, I have said that so far as the payment is concerned, that issue has to go in for an inquiry. What I referred to subsequently is what has taken place in the House itself. They are on different footings.

MR. SPEAKER : You are very right Mr. Arjun Singhji that that has taken place in the very House itself and the Prime Minister made a statement. That has taken place. Now, here really the difficulty arises. Dr. Patra has quoted Rule 224 which says, "right to raise a question of privilege shall be governed - it has said, 'shall be governed', it is not may be governed - by the following conditions" and one of the conditions (Rule 224(ii)) says:

"The question shall be restricted to a specific matter of recent occurrence".

Now, the question shall be restricted to a specific matter. Certainly it is a specific matter. It further says, 'matter of recent occurrence'. Now, he is saying that you are raising it after three years. How come it is a recent matter?

*(Interruptions)*

MR. SPEAKER : How come it is a recent matter, if you have had known that the Prime Minister had influenced, through this method, the Member? Then only immediately after it on the second day you could have raised it. He is asking that if you have not raised it then how can you raise it now? I am giving you a chance to explain it.

*(Interruptions)*

SHRI ARJUN SINGH : Sir, I know, they are two things. One is about the payment of money which has come up because of certain accounts having been discovered belonging to them and it is being inquired into. I have mentioned in my notice itself - on this issue - that since this information and knowledge come to our notice in the inter-session period, how could I have imagined it? And I would like to say in all humility that even today I would like not to believe such a thing. I cannot believe that this Parliament can be bribed. But if certain things have come to light, it is the duty of Parliament to inquire into it. So far as the next matter is concerned, it was mentioned in the House itself.

MR. SPEAKER : That is the difficulty and Dr. Patra has very correctly pointed out that we have waited, having known that the Members were influenced, for three years.

SHRI ARJUN SINGH : Sir, how do I know ?

MR. SPEAKER : Because the statement was made in the House.

*(Interruptions)*

*[Translation]*

MR. SPEAKER : Please, Sit down.

*(Interruptions)*

*[English]*

MR. SPEAKER : I am giving this opportunity to him if he wants to explain, otherwise I will leave it there.

SHRI ARJUN SINGH : Sir, the point is that the disclosure was made only a few days ago.

MR. SPEAKER : No, no. Influencing the Members in the House itself.

*(Interruptions)*

SHRI ARJUN SINGH : Sir, it is not so. If that had been done.*(Interruptions)*

SHRI MALLIKARJUN : Sir, on 28th July, 1993....*(Interruptions)*

MR. SPEAKER : No, please Mallikarjunji, I will allow you also. Let him explain.

SHRI ARJUN SINGH : Sir, I am really at a loss because what has happened in the last 3-4 years is that every Motion of No Confidence has led to defection. It is a matter of record.

KUMARI MAMATA BANERJEE : You were also the Minister.

SHRI ARJUN SINGH : I never induced anybody to defect. On the contrary, I protest....*(Interruptions)*. Sir., the point is that whether it is a matter of recent occurrence....*(Interruptions)*. I have never done that in my life. I have not detected and for your information I may tell you that I have been wrongfully, deceitfully and improperly expelled.*(Interruptions)* Now the point is that both these matters came to knowledge only after the address of Buta Singhji in this House and after the address of the hon. Member in this House. Therefore, they constitute the essence of the charge of breach of privilege.....*(Interruptions)*

MR. SPEAKER : I will allow you

SHRI BUTA SINGH : Sir, Dr. Kartikeswar Patra has raised a very very relevant question. He quoted Rule 224 (ii) which says that the question shall be restricted to a specific matter of recent occurrence. You were pleased to observe that it is here that the difficulty arises. When Shri Narasimha Rao, the Hon. Prime Minister, was making a final reply, towards the end of that reply, the issue cropped up in this House in which Shri Suraj Mandal, the hon. Member from Jharkhand Mukti Morcha, raised this very query to the Prime Minister and after the Prime Minister met his query, I think, it was hon. Shri L.K. Advani who got up and he made some.....remarks on the ....*(Interruptions)*

SHRI HARIN PATHAK (Ahmedabad) : The deal is proved now.

SHRI BUTA SINGH : Please let me complete.

MR. SPEAKER : It is a place for intellectual battle.

SHRI BUTA SINGH : The record is there. ....*(Interruptions)*

MR. SPEAKER : I am allowing him to make the statement.

SHRI BUTA SINGH : The record is very much there, every body knows about it; you were also present. And to that, Shri Suraj Madal retorted.....*(Interruptions)*



MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI (Garhwal) : Sir, the other day, you said that the word 'sycophancy' is unparliamentary because it is offending the Member. This word is also offending. Sir, you said, the word 'sycophancy' is unparliamentary if it is offending any Member.

MR. SPEAKER : What is unparliamentary ?

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI: What is unparliamentary about sycophancy?

MR. SPEAKER : You are not supposed to ask me the questions.

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI: You gave a ruling.

MR. SPEAKER : You tell me what is unparliamentary in this case.

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI: He is using the word about a person who is not here.

MR. SPEAKER : What is it in exact terms?

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI: Sycophancy is also a common word.

MR. SPEAKER : Now, what is the exact term? I will just remove it from the record.

*(Interruptions)*

MR. SPEAKER : What is it that I should remove? Please, not like that. I will remove from the record if there is anything unparliamentary.

SHRI BUTA SINGH : Sir, if the word... 'is unparliamentary, then I will withdraw it.

MR. SPEAKER : Okay, I have removed it.

SHRI BUTA SINGH : Shri L.K. Advani, let me put it this way, I tried to provoke Shri Suraj Mandal on that issue, when Shri Suraj Mandal made a conditional offer that the Jharkhand Mukti Morcha group will support the Government if they respond positively to their demand of a Jharkhand Council, to which the hon. Prime Minister's wordings are on record. The Jharkhand Mukti Morcha group made it public, both inside and outside the House, that on that particular assurance from the Prime Minister, they have decided to help the Government in power. That was a fact and it happened on 28th July, 1993. And the occurrence inside the House if not taken note of by the hon. Member Shri Arjun Singh or by the hon. Member sitting opposite, then I do not know how to describe the recent occurrence. It took three long years for Shri Atal Bihari Vajpayee to pick up a Member and take him to the Press Conference to demonstrate his capacity as the Leader of the Opposition and to bring down the Government of the day....*(Interruptions)*....I think there is no substance in the recent occurrence which is a precondition for admitting of a privilege motion.

On this particular ground Shri Arjun Singh's motion falls down.

SHRI ARJUN SINGH : I would like to say one thing. After this, I will keep quiet and wait patiently for what the hon. Members say and what your decision is. *Quid pro quo* is the essence of the whole thing. That came to knowledge on the letter which subsequently was withdrawn by Shri Shailendra Mahtoji, not by Shri Suraj Mandal, the entire scerio sequence was explained and that is where everything came to light, that first an offer was made. That offer was accepted. It was not fulfilled in the House and, therefore, that Member protested.

KUMARI MAMATA BANERJEE : I am on a point of order. My point of order is under Rule 224 (1) because Shri Arjun Singhji raised three or four points at the same time. I have great regard for him, I have not disturbed him. Number one is, it is clearly mentioned that no more than one question shall be raised on the same sitting. He raised many questions. *(Interruptions)*

MR. SPEAKER : Why should you do like that ?

KUMARI MAMATA BANERJEE : Sir, I take advantage of that. Number one is, he has talked about the privilege motion against the Prime Minister.

Number two is, he said about the Jharkhand Mukti Morcha. They have not denied. They have taken the money. He has a document.

Number three is, he said about the inquiry.

These three questions are not related to rule 224 (1). So, this privilege motion cannot be accepted according to law.

Again I am coming to the Rule No. 224 (2).

"The question shall be restricted to a specific matter of recent occurrence."

*(Interruptions)*....I have every right to raise my point of order. When this matter took place, it was 1993 July, now it is 1996 March, this matter is not related to recent matters. According to Rule 224 (3):

"The matter requires the intervention of the House."

I do not think the House will agree to accept this matter according to law because it is not at all related and Shri Arjun Singh very well knows that he was the Minister of this Government. He was there because I was with him and he was my boss also.

MR. SPEAKER : He was your colleague.

KUMARI MAMATA BANERJEE : He was my boss at that time, my Senior Minister, I was his junior colleague. If I remember correctly, the Jharkhand Morcha have denied that they have taken money from the Prime Minister. What they have said? They have said 'for the development,' *(Interruptions)* He said that "to manage the whole affair, they went to the Prime Minister. Shri Buta Singh went there" along with him for the development, not for no confidence motion. They have to appreciate it.

So, in this matter I want to refer to Rules 224 (1), 224 (2) and 224 (3), I think what Shri Arjun Singhji read is totally political and irrelevant and it should not be accepted by the House.....(Interruptions)

MR. SPEAKER : All are on points of order. Let me decide Kumari Mamata Banerjee's point of order. Mamataji, you have interpreted Rule 224 (1) very intelligently. My compliments to you. There is one issue having three components and, that is why, that does not apply to it. Rest of the things are decided.

SHRI UMRAO SINGH : Sir, I am on a point of order.

MR. SPEAKER : What is your point of order ?

SHRI UMRAO SINGH : Shri Arjun Singhji has tried to bring a Privilege Motion on the basis of a recent Press report. I would like to refer to Kaul and Shakhder, page 267.

MR. SPEAKER : One minute, please. Let me also read it.

SHRI UMRAO SINGH : I am referring to page 2678 - Complaints against Members, which says:

"...Where a complaint of an alleged breach of privilege or contempt of the House was based on a newspaper report of an alleged statement made by a member outside the House, which the member concerned denied having made, the speaker accepted the statement of the member in preference to what had appeared in the newspaper and withheld his consent to the raising of the question of privilege...."

I must say that Shri Arjun Singh's whole argument is that this is a recent occurrence because of the statement which has come in the Press. So, that statement, which has come in the Press, has been denied in the House itself. Therefore, on the basis of this Rule, it cannot be raised and it is not a breach of privilege.....(Interruptions)

MR. SPEAKER : I thank you for pointing out this thing to me. It has a substance. I have to take it into account.

(Interruptions)

MR. SPEAKER : Are you on a point of order?

[Translation]

SHRIMOHAMMAD ALI ASHRAF FATMI (Darbhanga): I am on a point of order.

MR. SPEAKER : Point of Order ?

SHRI MOHAMMAD ALI ASHRAF FATMI : Yes, you can take it a point of order.

MR. SPEAKER : No-no, it is not so. I shall provide you time to speak later on.

(Interruptions)

[English]

MR SPEAKER : Are you on a point of order ?

SHRI MRUTYUNJAYA NAYAK : Yes.

MR. SPEAKER : Quote the rule, please. Whenever you say that you are on a point of order, I have no option but to hear you.

SHRI MRUTYUNJAYA NAYAK : I refer to Rule 224.

MR. SPEAKER : What is rule 224?

SHRI MRUTYUNJAYA NAYAK : I raise a point of order under rule Rule 224. It has been mentioned that a Privilege Motion will be admitted on facts, on receipts of documents having *prima facie* evidence. Now, the point is that when Shri Vajpayee was making his statement, we have interrupted him and told him like this: "You only encourage defection by accepting Shri Mehto in your Party." Shri Vajpayee has also said in his statement: "He felt very much protected after joining us. Then only he has made such a statement." In this speech, he has made the statement. My point is whether, the documents have been signed and the signature has been identified; whether, on receipt of the money, as alleged, the signatory Shri Mahto has filed an affidavit in the court. In order to substantiate and corroborate the statement of Shri Patra, I would like to know whether, on receipt of mere bank receipts as well as a statement by a Member being provided by the BJP Leader and the Opposition Leader, you are going to take cognisance of the allegation established *prima facie* in the document submitted by Shri Arjun Singh. This is my specific question.....(Interruptions)

SHRI GUMAN MAL LODHA (Pali): The ruling has been given that there are two documents...(Interruptions).

MR. SPEAKER : Well, I think you are seeking information from me rather than making a point of order. you can refer to the file and get the information yourself.

(Interruptions)

SHRI NIRMAL KANTI CHATTERJEE (Dumdum) : Sir, do you want me to stand up?

MR. SPEAKER : No, I do not want you to stand up or interfere.

SHRI NIRMAL KANTI CHATTERJEE : I want to say something.

MR. SPEAKER : On what ?

SHRI NIRMAL KANTI CHATTERJEE : On this particular thing.

MR. SPEAKER : I will allow you to speak on this particular thing later.

SHRI NIRMAL KANTI CHATTERJEE : I will just comment on this.....(Interruptions)

SHRI E. AHAMED (Manjeri) : I just want to point out one thing...(Interruptions)

MR. SPEAKER : You can do that in your speech. You can reserve that.

SHRI E. AHAMED : I want to say only one thing.

MR. SPEAKER : I do not want to allow a speech now.

SHRI E. AHAMED : I want only one minute.

MR. SPEAKER : I am not giving you a chance at this point of time.

SHRI E. AHAMED : Sir, I feel it will be denial of justice to some of the Members of this House. It has already been mentioned that when a complaint against a Member is brought before the House, it is essential that the Member concerned should be present in the House.

In case he is not present, then making of the complaint is deferred until the following sitting. This is what is reported in the procedure book by Kaul and Shakhder on page 267. When it was brought to my notice, then is it not my duty to bring it to your kind attention?

MR. SPEAKER : You are very right that in the absence of the Members, it is not to be done. But I would like to say that this matter has been pending for a long time. And I would have expected the Members to be present in the House. You are correct in saying what you have said.

13.36 hrs.

SHRI JASWANT SINGH : The question is on the Motion of breach of privilege moved by hon. Shri Arjun Singhji. And some of us too had moved motions of breach of privilege. And the substance being the same. I am submitting to you why this Motion must be considered. There are really three issues involved - the admissibility of the Motion; whether it should be referred to a committee or a special committee; and thirdly whether the decision ought to be taken by the House itself rather than referring it to a committee. Now what is the substance of the breach of privilege? And you quite rightly observed that it is one issue with three components. There are allegations of payments of monies to various Members of Parliament. In so far as breach of privilege is concerned, this constitutes a bribery. I will be coming to that in a moment and I will refer to bribery. I will explain that because that is the word used in the rules.

Secondly, there is a question of inducement. The word used by hon. Shri Arjun Singhji is 'unfair influence'. The word 'inducement,' is also there and I shall be referring to the relevant rules in a moment.

Thirdly, the question is, how is it an issue of recent occurrence that has arisen? That comes under Rule 224(3), if I am not mistaken. I will come to each of these three very briefly.

What are the facts of the matter? Firstly, about allegations of payment or allegations of bribery. The facts of the matter are that sums of money have been received. Those sums of money have been deposited in banks. That is admitted by the recipients. The source of funds as to where those funds came from, is disputed. The end use or application of fund is claimed as a party fund, and that is also disputed, including for the purchase of immovable property or whatsoever. Now the question, therefore, about

the allegations of payment as bribery becomes a matter of enquiry specifically in the aspect of source of funds. The admission about the receipt of fund is already a matter of being the property of the House. The receipt of fund is accepted here. That receipt is shown as a party fund. I would like to know whether it is a party fund and whether party funds are utilised for purchase of immoveable property or whatever; that becomes a matter of enquiry, also whether these two are part of the overall arrangement of influencing the Parliament unreasonably.

Secondly about inducement. Here without taking too much time, I would wish to quote what hon. Shri Arjun Singhji has not quoted. This is from a very senior Member of the ruling party, hon. Shri Buta Singh Ji who has also just intervened and he has not disputed the essence. What is that inducement? What our submission is that inducement arises from the need to win a confidence vote. Inducement, therefore, is offered to certain hon. Members of Parliament saying if you vote in a certain fashion, then you will get the benefit of a council or a Jharkhand Mukti Morcha or whatever."

That inducement is arranged by way of a meeting, this is arranged by hon. Shri Buta Singhji with the hon. Prime Minister. The meeting was arranged by Shri Buta Singhji is not disputed because Buta Singhji himself says, yes, I have been working with Jharkhand Mukti Morcha, I did arrange the meeting.' And, hon. Shri Suraj Mandal also says.

[Translation]

"Buta Singhji had arranged this meeting."

[English]

That the meeting took place is not disputed neither by the hon. Buta Singhji nor by Shri Suraj Mandal or anyone else nor indeed yet at and till this stage hon. Prime Minister has also not rebutted that the meeting did not take place.

SHRI SOMNATH CHATTERJEE : He was there.

SHRI JASWANT SINGH : He was there. In fact, the meeting was with him indeed. What therefore, was the purpose of this meeting on the eve of the No Confidence Vote? The purpose of this meeting was to offer the inducement to Jharkhand Mukti Morcha. That inducement having been offered, the vote was obtained by unfair means.

That is my submission. Now how do I corroborate this by the statements made by the hon. Shri Buta Singhji as also by hon. Suraj Mandal? It is a very short quotation. This is the quotation from what hon. Buta Singhji has said in the House.

MR. SPEAKER : On that point, there is no dispute.

SHRI JASWANT SINGH : There is no dispute but I wish to emphasize because it helps me put across my point. Emphasize because it helps me put across my point.

MR. SPEAKER : Yes.

SHRI JASWANT SINGH : This is exactly what hon. Shri Buta Singhji has said :

"Jharkhand Mukti Morcha people called upon the Prime Minister. I was with them and this issue of Jharkhand Development Council was broadly considered in principle."

That was all. And, I remember the hon. Prime Minister was making his reply in this very House. Towards the end of the speech the hon leader from the Jharkhand Mukti Morcha got up, interrupted the Prime Minister to say that you have not given us the assurance on Jharkhand Development Council' and the hon. Prime Minister did respond. Now what does hon Suraj Mandal says? I am quoting him, Sir.

[Translation]

"You can see the proceeding of that day. I had stated that if the hon Prime Minister would solve the Jharkhand problem... (Interruptions) then I should certainly vote for him other wise not."... (Interruptions)

SHRI MRUTYUNJAYA NAYAK : He had said so secretly.

SHRI JASWANT SINGH : But it is on the record of the House and now it is the property of the House... (Interruptions)

[English]

MR SPEAKER : Please

(Interruptions)

MR. SPEAKER : Yes, you are right

SHRI JASWANT SINGH : Sir, I am quoting from the proceedings of the House.

[Translation]

"The hon. Prime Minister promised in the House but when his Government was survived we were cheated."

After that, I would like to quote the protion which was not mentioned by Shri Arjun Singhji and that I quote ... (Interruptions)

"We voted for that No-Confidence Motion but now we are repenting."

[English]

Please listen to this sentence with great care, Sir... (Interruptions)

SHRI MRUTYUNJAYA NAYAK : You are using 'Hindutva'.

SHRI SONTOSH MOHAN DEV : Just one minute.

You say 'inducement'. When you supported Shri V.P. Singh for one year your inducement was that he would support your temple issue... (Interruptions)... When you withdrew the support you said that he had ditched you. Because he had not supported you on Temple you

withdrew the support. Does this mean that you also did the same thing? (Interruptions)

[Translation]

SHRI MOHAN SINGH (Deoria) You also bring the priilege issue. (Interruptions)

[English]

SHRI JASWANT SINGH : Sir, notwithstanding the fact, what hon. Shri Sontosh Mohan Dev has raised, is wholly tangentially and utterly irrelevant....

Let me come back to what I have to say.

[Translation]

"We voted for that No-Confidence Motion but now we are repenting on casting out votes." Please note this. "Since it was not constituted as per the agreement and now we are unable to work." Now we is mentioning the meeting. "I, therefore, called on the hon. Prime Minister with Shri Buta Singhji only because the hon. Prime Minister had assured to look into the matter personally Shri Buta Singhji is a dalit

[English]

SHRI D. K. NAIKAR (Dharwad North) : I am on a point of order, Sir.

MR. SPEAKER : Jaswant Singhji, he says he is on a point of order. What is your point of order?

SHRI D.K NAIKAR : My point of order is under Rule 222. Kindly read it. It says?

"A member may, with the consent of the Speaker, raise a question involving a breach of privilege either of a member or of the House or of a Committee thereof."

Here the question of breach of privilege of the Committee does not arise. Then comes the question of breach of privilege of a Member. Members who are alleged to have received money never said that they have received money. They have also not made a point that they were influenced. According to Shri Buta Singh's statement what has been said is, when a query was made about the formation of Jharkhand Autonomous council, an answer was given by the Prime Minister. It is not the case of the Members concerned that they were influenced. This question of influence is now inferred by the hon. Member as against the House. It is most unfair to say that they were influenced when the Members themselves did not say that they were influenced by the Prime Minister. What right have other Members got to say so? Therefore this privilege motion cannot be admitted on inferences and conjectures. There should be direct evidence of that.

SHRI MANI SHANKAR AIYAR (Mayiladularai) : Sir, my point of order is under Rule 223. Rule 223 says :

"A member wishing to raise a question of privilege shall give notice in writing to the Secretary-General...."

The notice given to the Secretary-General is dated the 27th of February. The allegation of improper influence is based upon information available to the mover of the motion as on the 28th February. We are discussing a motion brought before us on the 27th February. I do not know how information made available on the 28th February can be utilised to justify a motion raised on the 27th of February. If Mr. Arjun Singh wishes to raise a motion based upon statements made in the House on the 28th February, then he shall have to give notice on a date subsequent to the date on which the statement was made. Otherwise it becomes extremely unfair that notice has been given to the four MPs concerned as well as through you to the Prime Minister about a matter which was not existent on the date on which the privilege motion was given. Repeatedly Mr. Arjun Singh and now a very great friend of his, Shri Jaswant Singh, are bringing up matters that are subsequent to the date of the motion. Clearly what we want to know is that on the basis of the information available to these two Members on the date on which the motion was given what is it that makes them say that improper influence was put. If they wish to refer back only to the record of the 28th July 1993, I do not think my objection can be sustained. But if they are going to raise points that relate to events of a date subsequent to not only the notice being given, but that notice being sent to Members of the House, then I do not think we are in a position to take cognizance of it.

SHRI JASWANT SINGH : May I continue Sir?

MR. SPEAKER : Yes.

SHRI MANI SHANKAR AIYAR : Sir, may I please seek your ruling?

SHRI RAM NAIK : Sir, kindly give your ruling on the earlier point also because that hon Member would say, we have no ruling'.

MR. SPEAKER : Well, my ruling is: 'He made a good speech'.

.....(Interruptions)

MR. SPEAKER : Mani Shankarji, I think, the Members are trying to say two things. That breach of privilege of the House has been committed. They are saying that because that Members are influenced a breach has been committed and they are saying that Members are influenced because a promise to create the Jharkhand Council or something was given. That is one point. And the second thing is money was given. These are the two points they are making and they are sticking to them.

SHRI MANI SHANKAR AIYAR : That is not my point, Sir. My point was that information made available to the Members subsequent to the date on which the notice was given - can that be adduced? Or, do we have to have a separate motion to deal with information that was brought before the House or to the Members subsequent to that date? This is a very critical point. Which is the motion we are discussing - a Privilege Motion given on the 27th or a Privilege Motion given on the 29th?

MR. SPEAKER : The Privilege Motion given by Arjun Singhji is being discussed.

SHRI MANI SHANKAR AIYAR : In which case, nothing that has happened after 27th should be taken cognizance of.

MR. SPEAKER : They have produced the document.

SHRI SOMNATH CHATTERJEE : Is this a High Court or Parliament?.....(Interruptions)

MR. SPEAKER : This is exactly what I am saying. Instead of making the policies, if you want to inquire and judge.

.....(Interruptions)

SHRI SOMNATH CHATTERJEE : Subsequent events are always taken note of. ....(Interruptions)

SHRI JASWANT SINGH : Mr. Speaker, Sir, I will continue now. I was still on the question of the factual aspect of inducement and I wish to quote what I think are the most telling lines in hon Shri Suraj Mandal's intervention in the House. I am quoting, Sir.

[Translation]

"He was looking into the case. He took us to the hon. Prime Minister." After saying all this, Shri Suraj Mandal says, I am quoting-

"He (Shri Buta Singh Ji) had made efforts to help us. Shri Buta Singh Ji told us that was the right time to meet the hon. Prime Minister and if he could make a deal, the council could be formed. But later on the Prime Minister made a compromise with the Government of Bihar."

[English]

On the interpretation of this word, 'deal', there can be two interpretations. ....(Interruptions)

SHRI E. AHAMED : Sir, I again raise a point of order.

It is only fair and just that the Members complained against should be present in the House. The question is whether that particular Member has been given the notice that a Motion of Privilege .....(Interruptions) We are not raising a Privilege Motion against a stranger; we are raising a Privilege Motion against an hon. Member of this House and ....(Interruptions) When a complaint against a Member is brought before the House, it is essential that the Member concerned should be present in the House.... (Interruptions)

MR. SPEAKER : That is because he should not be taken by surprise.

.....(Interruptions)

SHRI E. AHAMED (Manjeri) : Mr. Speaker, Sir, you can very well summon him, we can very well ask him to be here but here also the remedy for that is given. In case he is not present the making of the complaint is deferred until the following sitting. How can we just make a mention and a complaint against a Member of the House if he is not present. There are two things. ....(Interruptions)



[Translation]

SHRI PHOOL CHAND VERMA (Shajapur) : Mr Speaker, Sir, can a Member raise the same issue again in spite of your ruling? (Interruptions)

[English]

MR. SPEAKER : It is not a privilege issue. Please do not say that.

SHRI E. AHAMED : Sir, I do not want to repeat what the hon. member has said. ....(Interruptions)

MR. SPEAKER : Mr. Ahamed, please continue.

SHRI E. AHAMED : Sir, I will make only one submission. Even in the consideration of the consent, it already made adequately clear in the rule book, as already referred to, in Kaul and Shakhder's Practice and Procedure of Parliament, it is the Speaker's prerogative to give consent or not.

I am not going into that. Here it is already mentioned, "In giving his consent, the Speaker is guided by the following conditions prescribed for the admissibility of questions of privileges not more than one question shall be raised at the same sitting; the question shall be restricted to a specific matter of recent occurrence; and the matter requires the intervention of the House."

Sir, one more point

"A question of privilege should thus be raised by a member at the earliest opportunity and should require the interposition of the House. Even a delay of one day might prove fatal to the notice of privilege provided the specific matter sought to be raised was of urgent importance at a particular time." Even delay of one day might prove fatal to the notice of privilege.

Here the hon. Members have already raised whether this issue which is of recent occurrence. Secondly, my friend, Mr. Kurien and other hon. Members have mentioned that the Chair should give preference to what the Member has spoken in the House to what the Member has spoken outside. Thirdly, the Member is not present in the House.

In view of these three pre-conditions, I would respectfully submit before you that the matter shall not only be continued here in the absence of Members complaint against but the matter should also be disposed of according to the rules book.

MR. SPEAKER : Mr. Ahamed, you have made good points. First point is that the Member should be present in the House. Why is this rule laid down? This rule is laid down because the Member should not be taken by surprise. In this case there is no likelihood of the Member having been taken by surprise.

(Interruptions)

SHRI E. AHAMED : Even delay of one day is fatal.

MR. SPEAKER : You are right on that point also. When you say that even one day delay is fatal, you are very well on your point and I find it very difficult to set it aside.

(Interruptions)

DR. R. MALLU (Nagar Kurnool) : Sir, these Jharkhand Mukti Morcha people were fighting for their rights. ....(Interruptions)

SHRI E. AHAMED : Sir, statement made on the floor of the House is more reliable than the statement made outside. It should be taken note of.

MR. SPEAKER : It is already decided. I am not going to change that ruling. I can give a different ruling. But I am not disputing that ruling that the statement made on the floor of the House is more reliable and supposed to be more authentic than a statement made outside. Nobody is going to dispute that. There is not dispute about that.

....(Interruptions)

DR. R. MALLU : Mr. Speaker, Sir, it is a known fact that Jharkhand Mukti Morcha people are fighting for the Development Council since long time. It is not a new thing. It is their right. ....(Interruptions)

MR. SPEAKER : It is a good speech. I will give you time to make a long speech.

(Interruptions)

DR. R. MALLU : There is no question of inducement. ..(Interruptions)

MR. SPEAKER : I will allow you later. You can argue on that point.

(Interruptions)

MR. SPEAKER : Later you can speak elaborately on that point. Do not disturb Mr. Jaswant Singh. I cannot allow you like that.

SHRI JASWANT SINGH : Mr. Speaker, Sir, I was on the question of the word 'deal' used by hon. Member Shri Suraj Mandal because the same word is contained in the other statement. The deal between the hon. Prime Minister and the hon. Members of the Jharkhand Mukti Morcha, was a deal comprising. We will vote for you and grant us the Development Council. The other time the word used in the context is the Prime Minister will henceforth deal with the issue. I am ready to accept that. Either of these could be the usage of this word 'deal'. But in either of these two interpretations the aspect of inducement still remains.

Secondly, Sir, now I am not on the question of allegations of payments. I am on the question of the allegation of inducement. (Interruptions) Sir, now as far as inducement aspect is concerned, no doubt, three things stand established. (a) that the meeting took place. This is not denied by anyone. (b) that the meeting took place in a certain context, of no-confidence motion that too is not denied by anyone.

14.00 hrs

...(Interruptions)

Point (c) is that, in that meeting, the question of Jharkhand Development Council was discussed with the Prime Minister by the Members against whom there are charges of breach of privilege. This having been not denied, what remains, is the question to which you have just given an indication of 'recent occurrence. What is of 'recent occurrence'? I will submit that, Sir....(Interruptions)

MR. SPEAKER : You have already made a good point.

...(Interruptions)

SHRI SUDHIR SAWANT : No, Sir. The point I want to say is this. The question is when you have to relate a *quid pro quo* the other question arises. ....(Interruptions)

MR. SPEAKER : It is 'recent occurrence'

...(Interruptions)

MR. SPEAKER : The most important point on which I would like to be enlightened by you is, are these kinds of matter to be treated as 'inducements'. Can they be treated as inducements? I will hear from you later on.

...(Interruptions)

SHRI JASWANT SINGH : I know, Sir. I am talking of 'recent occurrence'. ....(Interruptions)

SHRI SUDHIR SAWANT : That is a specific thing, Sir, ....(Interruptions)

MR. SPEAKER : .....so that you can help me to understand the word.

MR. SPEAKER : No. Not now.

...(Interruptions)

[Translation]

SHRI JASWANT SINGH : How can I dare to. ....(Interruptions)

SHRI SUDHIR SAWANT : I want to make one more point. ....(Interruptions)

[English]

MR. SPEAKER : I respect your views; and you shall have to help me.

MR. SPEAKER : That is not a point of order. You have made good points. That is not a point of order.

...(Interruptions)

PROF. P. J. KURIEN (Mavelikara) : Sir, I want to make one point here. ....(Interruptions)

[Translation]

SHRI JASWANT SINGH : How can I try to light the course of the sun. ....(Interruptions)

MR. SPEAKER : Shri Jaswant Singh, there are two things here. He is making a very fine distinction. He is saying that you say that there is payment of money and you say that there is an inducement. There are two things. Are you treating them as two things or one thing? Let me understand this.

...(Interruptions)

[English]

SHRI SUDHIR SAWANT (Rajapur) : Sir, I am on a point of order. I am again referring to Rule 224 (ii) which says about 'a specific matter'. It is there that I would like to point out that the question of inducement has been made the entire basis of argument of this matter of privilege. In doing so, the arguments that have been put forward are relating to two issues. One is, whether there has been a *quid pro quo* as far as inducement is concerned; and the second is a matter of public policy or a public issue. Jharkhand issue has been a public issue since long. The question is, whether the Prime Minister has met, on Jharkhand issue, only these Members at that particular time only. To tell you the fact, Sir, people like me who are not belonging to that area also represented this matter to the Prime Minister three times. On every occasion, the Prime Minister has assured us that he would consider the case. ....(Interruptions) That is one issue. I was trying to bring out that the Jharkhand issue is a wider issue which has been discussed. The second aspect is about the *quid pro quo*. Now, what Shri Jaswant Singh has said is this. Shri Buta Singh has told some hon. members of this House that there could be a deal of so and so. ....(Interruptions)

MR. SPEAKER : Let me understand this. Are you treating these as two things or one thing?

...(Interruptions)

SHRI JASWANT SINGH : Sir, you from the Chair yourself observed. ....(Interruptions)

MR. SPEAKER : It is because he is trying to understand.

...(Interruptions)

SHRI JASWANT SINGH : I know that, Sir. That is the very same question, put in a different phraseology, Rule 224 (i) shall refer to only one issue. The issue is the same. It has components. 'Inducement' can be in the form of bribery 'inducement' can be in the form of political offer. I would be referring to the details. That is why I am saying that it is one issue. ....(Interruptions)

MR. SPEAKER : The corollary of this is very difficult legally. I am going to hear you.

...(Interruptions)

MR. SPEAKER : You are interpreting his point. You do not have to interpret what he is saying.

MR. SPEAKER : The corollary of this is very difficult. If you treat that bribery and inducement as the components of one issue, then the question arises that the inducement part was known to you three years back.

.....(Interruptions)

SHRI JASWANT SINGH : I will refer to this; I will answer this. ....(Interruptions)

SHRI MALLIKARJUN : Just one minute, Sir. Shri Jaswant Singhji, please yield for one minute .....(Interruptions)

SHRI JASWANT SINGH : Then, I must yield to Prof. Kurien and not to you. ....(Interruptions) Sir, I will yield to Prof. Kurien and not to him.....(Interruptions) Sir, if I were to yield, I cannot yield to him, I will yield to Prof. Kurien .....(Interruptions) I cannot yield to him, Sir. ....(Interruptions)

SHRI MALLIKARJUN : Sir, people have not given absolute majority. ....(Interruptions) Then the President has asked us to go by the consensus of the House. That is five years back. What is the logic? I am telling you about it.

MR. SPEAKER : I will allow you, Mr. Mallikarjun, to make a speech.

SHRI MALLIKARJUN : Then, I depend upon the support of other political parties.

MR. SPEAKER : That is why you make this point in a concerted manner.

.....(Interruptions)

MR. SPEAKER : Do not respond momentarily. You have a structured speech and make it please. We will be very much happy.

SHRI MALLIKARJUN : Every Member of Parliament does not have such vocabulary or way of expression as Shri Jaswant Singh has to hear it.

MR. SPEAKER : You have that.

.....(Interruptions)

MR. SPEAKER : Why hair-splitting? I am sorry.

.....(Interruptions)

PROF. P.J. KURIEN : Sir, thank you for obliging me. I am only on one point. The theory of inducement and theory of *quid pro quo* have been raised. When the theory of *quid pro quo* and when the theory of inducement are extended to the Members of the House on what they are doing within the House, where they are independently free, how do you apply it? .....(Interruptions) Let me complete.

MR. SPEAKER : This is not a point order. This is a speech. I am going to allow you.

PROF. P.J. KURIEN : I want a clarification. He has obliged, Sir.....(Interruptions) It is the right of every hon.

Member to raise any issue of public interest and elicit an assurance from the Government. That is his right. The hon. Member is exercising his right. And if the Government is obliging, the Member has got a right. How could it be inducement? That is what I want to know. ....(Interruptions) I am only pleading for the rights of all the hon. Members. It is not a party question.

MR. SPEAKER : You have made your point, Why should you repeat it? You do not have to reply to each and every Member. This is recorded. Every word is recorded. It is a precious word. There is a point in it. If you repeat it, it loses its importance.

SHRI JASWANT SINGH : I think my good friend, hon. Prof. Kurien, certainly has every right to interrupt me even under the guise of a false point of order. I was on three aspects which have now been established - or denied - that a meeting took place, that there was a demand made at that meeting. That demand was conceded by the hon. the Prime Minister, repeated in the House, conceded again and constitutes the other aspect of inducement.

There is the question of *quid pro quo* and question of recent occurrence. You said: "Mr. Jaswant Singh, is it of recent occurrence? If you are combining the payment of money and Development Council, then the aspect of Development Council was known, the aspect of payment of money has only now come to be known, therefore, why do you or how do you call it of recent occurrence?"

MR. SPEAKER : Right. Very good.

SHRI JASWANT SINGH : That is the substance of one aspect of your queries.

MR. SPEAKER : Yes.

SHRI JASWANT SINGH : I submit, firstly, that recent occurrence as used in Rule 224, is really to denote occurrence to mean 'disclosure', occurrence to mean 'admission', occurrence to mean 'knowledge' Let me finish Sir.....(Interruptions)

SHRI MALLIKARJUN : Occurrence cannot be disclosure. Occurrence is just an happening. It is not a disclosure.....(Interruptions)

SHRI NIRMAL KANTI CHATTERJEE : Disclosure is also a happening.....(Interruptions)

SHRI JASWANT SINGH : I submit to you, Sir, that I am not making this point for the sake of argument.

MR. SPEAKER : You are making it in a very fine manner. I am appreciating it.

SHRI JASWANT SINGH : I submit to you that a recent occurrence becomes an occurrence only when there is knowledge, admission and disclosure of that occurrence. Please understand our point .....(Interruptions)

SHRI MALLIKARJUN : Sir, it is not a disclosure.....(Interruptions)

SHRI JASWANT SINGH : I appeal to the hon. Minister .....(Interruptions)

MR. SPEAKER : He is making a very good point. Do not disturb me also.

SHRI MALLIKARJUN : I am only telling him this point.

MR. SPEAKER : You do not have to tell him. I will allow you to make your own points.

SHRI JASWANT SINGH : It is a matter of some regret for me that the Minister of State for Parliamentary Affairs.\*  
...(Interruptions)

SHRI MALLIKARJUN : I am sorry that .....(Interruptions)

MR. SPEAKER : I am removing it from the record. Now, please do not prolong it.

....(Interruptions)

SHRI MALLIKARJUN : But what I am saying is, occurrence is different. Sir, you kindly go through it.

MR. SPEAKER : Yes, yes. There is a point in what you are saying.

....(Interruptions)

SHRI MALLIKARJUN : Evidence and recent occurrence are two things.

SHRI JASWANT SINGH : I am not talking of evidence. I am talking about when does an event occur.

MR. SPEAKER : When it occurs.

SHRI JASWANT SINGH : No, Sir. That could be one interpretation. When does an event occur. I think, this will have very long term implications for parliamentary functioning. I submit to you Sir, in all humility, that just as in the case of, what we are now calling *hawala* diaries which have been in the possession of Government since 1991, when does the event of *hawala* diaries actually occur.

MR. SPEAKER : Let us understand what we do for breach of privilege in the House is not exactly the same as what we do in a court of law under investigation.

SHRI JASWANT SINGH : Exactly. That is precisely my point that simply on the technicality that because of the vote on Confidence Motion was in 1993, therefore...

MR. SPEAKER : Now, supposing somebody asks that you knew that the Members were influenced, you waited for three years. Why did you wait for three years? What is the reply?

SHRI JASWANT SINGH : I will answer this very specific query.

SHRI BUTA SINGH : It is because it did not occur to him. Now, it occurs to him .....(Interruptions)

[Translation]

SHRI ABDUL GHAFUOR (Gopalganj) : It is not the job of the hon. Member. (Interruptions).... If any such thing comes to the mind of the hon. Speaker, he can bring it *sua-motu*. And if he does not, it is possible that....(Interruptions)

\*Expunged as recorded by the Chair.

MR. SPEAKER : No, no you are making a mistake by saying so.

(Interruptions)

MR. SPEAKER : This matter is regarding breach of privilege and the Speaker alone cannot take a decision in this regard. It is the House which will take a decision above it. In this matter, Speaker has been asked to give his advice so that time can be saved. You go through the law in this regard first and then only quote it.

SHRI DEVENDRA PRASAD YADAV (Jhanjharpur) : The Motion should be moved with the consent of the House.

MR. SPEAKER : All right. This is what you want to say.

[English]

SHRI JASWANT SINGH : I was on the question of recent occurrence. I submit to you, as you quite rightly pointed out, that the House cannot take a legalistic viewpoint on the interpretation of an event of recent occurrence.

MR. SPEAKER : That is why, they have said that all the documents should be produced alongwith the notice.

SHRI JASWANT SINGH : I submit that an event of recent occurrence or 'recent' is defined by disclosure, admission and knowledge. You can rule whichever way you do. Disclosure, admission and knowledge of an event is the criteria that determines whether it is recent or whether it is past.

I submit one more ground for this, Sir. On the 26th of February, the opening day of this Session, an admission and a disclosure is made by one of the hon. Members of the Jharkhand Mukti Morcha, (a) about payment, (b) about meetings, and that the Prime Minister gave such and such assurance, an allegation that he has subsequently repeated in the House in a statement that he had read out. Therefore, even if you go by the aspect of purely legalistic interpretation of "when did this occurrence take place". I submit that this occurrence took place on the 26th of February when an hon. Member first disclosed it on 26th of February. He first disclosed on 26th of February that such a meeting had taken place. ....(Interruptions)

MR. SPEAKER : That had happened in the House itself.

SHRI JASWANT SINGH : I know, Sir, that on the 26th of February....(Interruptions)

MR. SPEAKER : On that disclosure there is no question. He got up from there; the Prime Minister said from here.

....(Interruptions)

SHRI JASWANT SINGH : That has happened because it is the *quid pro quo* disclosure about the *quid pro quo*....(Interruptions)

MR. SPEAKER : Is it different from this?

SHRI JASWANT SINGH : Yes, Sir.

MR. SPEAKER : If it is different from this, then there is another difficulty. If it is different from this, then these are two matters. If these are one, why not this thing ? This is the difficulty.

SHRI JASWANT SINGH : Yes, Sir, it is my difficulty also which I am submitting to you. On the 26th of February occurs an event which is of disclosure, admission, knowledge to us and on the basis of that event of 26th February, having submitted my earlier point, also on the knowledge of that we submitted as we had - I also submitted a motion of breach of privilege - they also submitted ...*(Interruptions)*

SHRI MALLIKARJUN : Sir, on the 26th of February the House was adjourned . . . . .*(Interruptions)*

SHRI JASWANT SINGH : Sir, would you restrain the hon. Minister of Parliamentary Affairs. . . . .*(Interruptions)*

MR. SPEAKER : Please cooperate.

SHRI JASWANT SINGH : May I draw your attention to May's Parliamentary Practice, pages 156 and 157. Sir.

*[Translation]*

SHRI SOMNATH CHATTERJEE : I had already referred to it but no reply has been given.

*[English]*

SHRI JASWANT SINGH : I know, Sir, this reference to May's Parliamentary Practice has already been made by my eminent colleague and the renowned Barrister . . . . .*(Interruptions)*

MR. SPEAKER : You can read it a little slowly, I will refer to it. The book is not with me.

SHRI JASWANT SINGH : The chapter or the paragraph heading is and I am quoting, "Attempts by improper means to influence Members in their Parliamentary conduct. "The first word is "Bribery."

"On 2 May 1695 the Commons resolved, "That the offer of money, or other advantage, to any Member of Parliament for the promoting of any matter whatsoever, depending or to be transacted in Parliament is a high crime and misdemeanour and tends to the subversion of the Constitution....."

In the spirit of this resolution, the offering to a Member of either House of a bribe to influence him in his conduct as a Member, or of any fee or reward in connection with the promotion, of or opposition to any bill....."

May I repeat, Sir.

" or opposition to any bill, resolution, matter or thing submitted or intended to be submitted to the House or any Committee thereof, has been treated as a breach of privilege."

It goes on, Sir :

"It may be a contempt to offer any fee or reward to any Member or officer of either House for drafting, advising upon or revising any bill, resolution, matter

or thing intended to be submitted to that House or any committee thereof."

Sir, from May's Parliamentary Practice, with your permission, I would like to go to Kaul and Shakdher, page 254.

As you have observed the para heading in that page is almost exactly the para heading in May's Parliamentary Practice, but the contents are somewhat different because the contents have been quite rightly commented upon - with our Parliament, more particularly, in mind. Therefore, with your permission, the very first again is bribery.

Any attempt to influence members by improper means in their parliamentary conduct is a breach of privilege. Thus the offering to a Member of a bribe or payment to influence him in his conduct as a member, or of any fee or reward in connection with the promotion of, or opposition to, any Bill, resolution matter of thing, submitted or intended to be submitted to the House or any Committee thereof, has been treated as a breach of privilege.

It is unambiguous. Then there is contempt. May I take you to the second paragraph of that -

Any offer of money or other advantage to a member in order to induce him to take up a question with a Minister may also constitute a breach of privilege, since it is mainly because a member has the power to put down a question or raise the matter in other ways in the House that such cases are put to him.

MR. SPEAKER : Yes.

SHRI JASWANT SINGH : On the question of *quid pro quo*, the question then raised - which you have also raised - is as to whether this constitute *quid pro quo* and whether this *quid pro quo* goes to the extent of being actually a breach of privilege, interference in the proper conduct of the House. I submit, Sir, that when on the eve of Confidence Vote a long standing demand of that of a Development Council for Jharkhand Mukti Morcha is offered as an inducement by the hon. the Prime Minister himself to the Members who are admittedly taken, to meet the Prime Minister and

*[Translation]*

then they are asked to make an appeal to the Prime Minister themselves. They meet the Prime Minister and make an appeal. Then the Prime Minister himself says that-

*[English]*

Now, I will deal with the matter myself. Then, he deals with the matter. This matter is repeated in the House and the Prime Minister confirms. "Yes, I would be dealing with the matter. I submit, Sir, in all this, a breach of privilege has been committed; a breach of privilege has been committed by the hon. Members for accepting an inducement and a breach of privilege has been committed by the hon. the Prime Minister for doing whatever he has done in this matter, arranging, as alleged, arrangements of payments



of money, or arranging an inducement to be offered to Jharkhand Mukti Morcha does constitute a breach of privilege. Sir, the House must decide and this matter must be referred to a Committee.

SHRI UMRAO SINGH : I am on a point of order.

MR. SPEAKER : Yes.

SHRI UMRAO SINGH : My learned friend Shri Jaswant Singh has tried to bring the whole aspect under inducement. Now, I would like to differ with him because according to our parliamentary practice, we have a Committee on Assurance and what is 'Assurance' is defined under rule 323.

323. There shall be a committee on Government Assurances to scrutinise the assurances, promises, undertakings, etc., given by Ministers, from time to time, on the floor of the House...

Now, Sir, I would like to say that you can interpret it as a promise. You can see what the Prime Minister has said, it can be an assurance or it can be a undertaking. But it cannot be a matter of inducement. If you see the meaning given in the Oxford Dictionary for the word - it clearly shows what has been done here or what has been done there.

I will read from the Oxford Dictionary what 'assurance' means.

MR. SPEAKER : You are making a speech. It is not a point of order. I will not allow you to make a speech.

SHRI UMRAO SINGH : What I am submitting is that it is just an 'assurance' and not an 'inducement'.

SHRI NIRMAL KANTI CHATTERJEE : One of the points that I wanted to raise has been covered by Shri Jaswant Singh. So, I need not have to repeat it. I was referring to Page 254.

MR. SPEAKER : You should repeat nothing.

SHRI NIRMAL KANTI CHATTERJEE : I need not have to repeat it. It does seem that repetition is necessary in order to emphasise certain points which are escaping the intellectual qualities of a Member.

MR. SPEAKER : The Rule is very clear on that Point. We are indulgent.

SHRI NIRMAL KANTI CHATTERJEE : So, I would like to draw your attention on the question of recentness of occurrence.

I want to approach this particular point from a different angle. Why is it underlined that the occurrence should be of recent importance ? The answer is that unless the event is of a recent occurrence, it loses its relevance. Otherwise, we do not include that kind of a qualification.

Now, the whole issue of privilege is not in terms of urgency at all. So, it is in terms of importance and not urgency. The question of privilege that has been enshrined both in the Constitution and in the Rules is whether or not such a thing has happened which impinges on the freedom of speech and behaviour of a Member of Parlia-

ment. The relevance of question is not really whether it is urgent. Recentness, therefore, can firstly be defined as follows:

"Any occurrence which has taken place during the life of a particular Lok Sabha."

In a negative way I will give another example. In dealing with privilege cases how one Lok Sabha had to dispose of a case which occurred in another Lok Sabha. This is a negative illustration but I want to underline this simple point that it is the importance of the issue much less than the recentness of the event which has come.

Now, I would like to refer to that particular incident. This is a very interesting occurrence. Sir, I will read out from Page 232 of Kaul and Shakhder. It says:

"That on 18th November, 1977, a motion was adopted by the House referring to the Committee of Privileges a question of breach of privilege and contempt of the House against Shrimati Indira Gandhi, former Prime Minister and other regarding obstruction, intimidation, harassment and institution of false cases etc., etc. The Committee of Privileges were of the view the she had committed a breach of privilege and contempt of the House.

On 19th December, 1979 - I am underlining the dates now, not the individuals - that is, full year after 1977, the House adopted a Motion resolving that Shrimati Indira Gandhi be committed to jail etc., etc.

On 7th May, 1981, the Seventh Lok Sabha - earlier such happenings were there in the Sixth Lok Sabha - viz., after four years or so when the Privilege Motion was brought in, decided that whereas the Sixth Lok Sabha, by a Resolution, adopted on 19th December, 1978 agreed with the ...recommendations and findings of the Committee (of Privileges) and now this Lok Sabha in particular resolves and declares that all that is void."

If question is so important, then it skips over from one Lok Sabha to another. She was found guilty of breach of privilege. The Seventh Lok Sabha thought. ....(Interruptions)

SHRI MALLIKARJUN : I was in both the Lok Sabhas. Let me clarify that point.....(Interruptions)

Sir, the Janata Government, with all vindictiveness, expelled her from the House on 19th December 1978. It was nothing but vindictiveness and that he how the matter was again taken up in 1981 .....(Interruptions) By bringing this thing then, the Janata Government .....(Interruptions) That is how it was brought again in 1981 ....(Interruptions)

SHRI NIRMAL KANTI CHATTERJEE : Sir, I do not deny his right of understanding at all,....(Interruptions)

SHRI MALLIKARJUN : Sir, I am also not denying your right to express .....(Interruptions) What was the Janata Government doing at that time? It was nothing but vindictiveness.....(Interruptions)

MR. SPEAKER : Now the point is this. You have a breach of privilege in one Lok Sabha; you decided against it in second Lok Sabha and you rescinded it in third Lok Sabha. Is that the kind of a thing you are asking me to do?

SHRI NIRMAL KANTI CHATTERJEE : The point precisely is that the question of .....(Interruptions)

SHRI CHANDRA SHEKHAR (Ballia) Mr. Speaker, Sir, on one point you say that the matter is not of recent occurrence and on the other point, when he says that even after another Lok Sabha this was matter was raised, you are saying, "Is it proper to pursue that line?" It is not the question. Either you go by the tradition or you go by the importance of the event that matters for the House and for the country.....(Interruptions)

MR. SPEAKER : No. The point I am making is that if you are laying certain good traditions, here is a case in which one Lok Sabha decides in one way, second Lok Sabha decides in third way and also third Lok Sabha decides in fourth way is that the line we should follow ?

SHRI NIRMAL KANTI CHATTERJEE : That is what I am trying to draw your attention to ....(Interruptions)

SHRI CHANDRA SHEKHAR : Sir, of course you are right. And where the question of making or non making of history is involved in that matter the Lok Sabha should take this matter even after 20 years or 100 years .....(Interruptions)

MR. SPEAKER : That is to be decided by the House itself.

SHRI CHANDRA SHEKHAR : That is how, history decides. It is not the Speaker rulings which decides the history of the country .....(Interruptions)

MR. SPEAKER : It is decided neither by the Speaker nor by a Member. The House will decide.

SHRI NIRMAL KANTI CHATTERJEE : Sir, my argument is very simple.

MR. SPEAKER : Your argument is simple. I am trying to understand it. Is there any political colour involved in it?

SHRI NIRMAL KANTI CHATTERJEE : I will come to that. We are all here as political people. So, do not put to me this question, whether any event occurring is political .....(Interruptions)

MR. SPEAKER : Okay, I have got the answer.

SHRI NIRMAL KANTI CHATTERJEE : My point is simple. Since the Parliament is sovereign, in order to guarantee the individual Member's right, we have formulated certain rules so that we can come to conclusions; we can have the discussion in a certain manner which will facilitate free participation of each Member of the House. And that is why, Sir, I want to draw your attention that through and through the Rules and Procedure handbook, it has always been provided that whatever may be the rule, the House in its wisdom, if it so chooses, it can modify if the

question is very important. That is what is given to the House in terms of the Constitution.

Now I was trying to underline these chain of events that if we look at recentness only as a technical recentness, then the House would be making a mistake. That is number one. That is why I brought to your attention that even events happening in one Lok Sabha had to be changed by another Lok Sabha because....(Interruptions)

MR. SPEAKER : That was not a breach of privilege. That was a Resolution passed.

SHRI NIRMAL KANTI CHATTERJEE : Sir, that was a breach of privilege.....(Interruptions)

MR. SPEAKER : Certain things are done by passing the Resolution.

SHRI NIRMAL KANTI CHATTERJEE : Shrimati Indira Gandhi was condemned by a breach of privilege. That was in 1977.....(Interruptions)

MR. SPEAKER : You can pass any Resolution you want in this case also.

SHRI NIRMAL KANTI CHATTERJEE : I know, in the Resolution, what you are, trying to do is, to cancel the decision of that breach of privileges Committee. That is how they are related by the point is that even after four years have lapsed, the House in its wisdom decided that there are all issues which are so important that even after four years, they should be taken up and dealt with.

MR. SPEAKER : Okay.

SHRI NIRMAL KANTI CHATTERJEE : Sir, I submit, it is in this sense that it should be looked at and that point I am making.

MR. SPEAKER : It is a good point.

SHRI NIRMAL KANTI CHATTERJEE : I am not going to do that. You can go through many of these kind of philosophical discussions or logical positivism, words, etc. Now what is an occurrence? Let me come to that. What is an event? What is an occurrence? This has been debated endlessly in philosophical treatises by all great philosophers. My submission is, if this is an occurrence, when you come to know about an event, then I will put it even in scientific terms. Some star is born 300 light years ago. That is an occurrence. It is an occurrence when that light reaches me after three lakh light years. Both of them are occurrences. That is why, today, that event had happened that time does not mean the result of occurrence. What has happened in the Press through the mediation of the Leader of the Opposition and others and what has been ordered in the House, all these are occurrences in terms of social activities.

SOME HON. MEMBERS : Yes.

SHRI NIRMAL KANTI CHATTERJEE : We are taking cognizance of these occurrences via this Motion of Privilege and, therefore, I submit that this Motion of Privilege be taken up immediately and not sent to the Committee but discuss it here and now. Thank you.

SHRI SOMNATH CHATTERJEE : Mr. Speaker, Sir, while taking part in the debate I had particularly raised this issue, although not as a part of a privilege issue because I do not know about Privilege Motion. But this, which has struck me as something which the Leader of this Government and the Leader of the House should not have indulged in. Sir, the whole branch of privilege law or convention whatever it is, is based on maintaining the dignity and the credibility of this House. This House deserves that its position, in its creditability, in its dignity and decorum should be maintained. Now what has happened here ? The happenings so far, whether it is occurrence or not, nobody can dispute. It is a question of a happening. Occurrence means a happening. Can, whether it is a recent happening and what has been done, be discussed as an inducement ? 'Recent' has been defined. I am going even by literal meaning. 'Recent' means, what has happened or appeared only a short time ago'. Kindly see Sir, the hon Prime Minister had entered into an arrangement with some hon. Members of this House, not to our notice. And if by arrangement, this was not brought to the notice of the people, not brought to the notice of House and until the recent thing had happened, nobody would have known that there was an arrangement which is now expected that there was an arrangement. (Interruptions)

MR. SPEAKER : Mr. Bansal, you note it. I will give you time.

SHRI SOMNATH CHATTERJEE : Sir, I will take two minutes. That there was a meeting between the Prime Minister and these hon. Members and as a result of which the voting did take place. The result is somebody who would not have voted against the Motion voted, in fact, against the Motion. Somebody who was expected to vote for the No-Confidence Motion, now voted against the Motion. That was the result of this arrangement. And, if by understanding that those facts were not brought to the notice of this House or not brought to the notice of the country, how are we supposed to know?

Therefore, 'which appears recently, which appears sometime ago' is also a recent occurrence. Recently something has come to know, not merely actually happening, actually coming to the knowledge which is appearing only sometime back.

Now what is inducement?

To 'induce', Sir, is if I persuade or influence somebody to do certain things, I induce someone to do that. That is clear. Even the very well-known dictionary says that. The interpretation is clear. But even the literal meaning is that.

MR. SPEAKER : You have been saying that thing from the very beginning.

SHRI SOMNATH CHATTERJEE : Yes, if you persuade somebody to do certain thing, then you are inducing him to do that. Here something extraordinary has happened. I did not know about the bribery until these things came out.

MR. SPEAKER : No, no.

SHRI SOMNATH CHATTERJEE : I am not going into it. I am only saying. I said earlier, even if a political understanding, some political benefit is coming out of it, a political benefit has come to him, that Sir, in my submission is also an 'inducement'. It says very clearly. Something is used in order to persuade someone to do something. May be a gift, may be a bribe, or may be something pleasant. Politically they have been asking for certain special favours or special dispensation or special arrangement. Let us take it that it is not bribery or something. it is not a gift. But there is something which they wanted to have and for which they have been politically agitated, politically fighting. Now the Prime Minister in the secret arrangement says, "Well, if you vote for me, if you vote against this Motion, you shall get what you have been politically fighting. Therefore, instead of taking so much trouble you vote for me, you get it on the platter." What else is this but inducement? Therefore, it is a very very serious matter I though it was serious. Probably I could not articulate that properly. Therefore, I said that some political advantage was accruing to a Member of Parliament who is a political creature in a matter of his political conduct, political objective. his manifesto is this. Now he is achieving it without much fight. What else has happened? I am not going into that. Or I may be challenged. Therefore, I submit that 'recently' means what has come to light. Inducement is very clear, admittedly on admission Shri Buta Singh has been very kind enough and the Prime Minister was sitting here. He never objected to, I cannot use it, but I though that by gestures he was accepting it. He never stood up to protest because Shri Buta Singh made his statement in the presence of the hon. Prime Minister when he spoke of the meeting. Therefore, the factual aspect is admitted. Only thing is whether it should be rejected on the plea that it is not a recent talk. The emphasis is not on occurrence, the emphasis should be on recent. 'Recent' here means which has come to the knowledge, come to the notice, otherwise something by manipulation, by *mala fide* activities can be kept outside the knowledge of the House, outside the knowledge of the country. Therefore, it can be said, something which is *mala fide* done, which is improperly done, relating to the conduct of the House, relating to the business before the House and therefore, later on when it comes to light, when we raise the question of privilege, he says, "No, no. One month had expired. Three years have expired. Therefore, you cannot take it. Whatever illegalities I committed, whatever breach of privilege I have committed I do not care for it, I do not show any concern because the House cannot catch hold of me."

Sir, that will be the very end of the institutions of parliamentary democracy, of this Parliament. Our dignity and our credibility will be seriously affected and then we shall lose whatever little respect that can be there. Therefore, the fate of this big institution cannot be finally decided on a particular interpretation of Rule 224 which will mean according to me, the death knell of the greatness, the very sovereignty of this House.

SHRI PAWAN KUMAR BANSAL : Mr. Speaker, the support extended to the matter raised by Shri Arjun Singh, by leaders of various political parties including the Bharatiya

Janata Party and the CPM, CPI, I consider to be a legitimate, valid political activity whatever be the motives behind it. Similarly, I considered it to be a legitimate political activity when the BJP extended support to Shri V.P. Singh to form the Government in 1989-90.

Similarly, I consider it to be a valid legitimate political activity when they extended support to Mayawati to form Government in Uttar Pradesh because they did want Shri Mulayam Singh to be out. I do not consider it to be a matter of privilege of any House as to why a particular party, why a particular group extended support to another party.

In July, 1993, there was a No-Confidence Motion against the Government. Some people overtly, some people covertly were getting together to topple the Government. I think that it was perfectly valid, perfectly legitimate on the part of all of us, on the part of Prime Minister to say support me, give me the stability. These are the works I intend to do in the days to come; these are the programmes which I intend to pursue in the days to come. One of those programmes was a programme which appealed to our hon. Members of the Jharkhand Mukti Morcha. They had been asking for a very long time about the setting up of a Jharkhand Development Council.

Sir, we all remember vividly, while the No-Confidence Motion was being debated, different points were being raised by our hon. friends. In fact, they raised a number of points. If the Government were to then rise and say that we concede these points and we accept these points, would they have still persisted with that No-Confidence Motion? There was one demand persistently raised by Jharkhand Mukti Morcha. That demand was conceded to by our Government. As my learned colleague has said, 'please refer to rule on Assurances'. That was a solemn and sacred assurance by the Government held out in this House. Perceptions may differ, but that assurance has been fulfilled. (Interruptions). I said that perception may differ. It was none other than Shri Suraj Mandal who referred to that point here though as I said perceptions may differ. He did not seem to be fully satisfied with what had been done. But he said, that was an assurance expected by him from the Prime Minister and that was an assurance fulfilled by the Prime Minister. I would urge with every hon. Member of this House that if we were to rise and say that the Government paid money to obtain a vote of any hon. Member, it would not be right. I think, finding weakness in his argument, hon. Shri Arjun Singh did not lay much emphasis on this.

SHRI ARJUN SINGH : I would not like to be wrongly quoted. I did not say that. I said, that is a matter of enquiry which the hon. Speaker has to conduct. Please do not put words into my mouth.

SHRI PAWAN KUMAR BANSAL : It precisely brings me to that point. If there were to be substantiated and validly proved assertions against the Government that bribery was resorted to, I would have nothing to say.

Sir, the other thing which was referred to from May's Parliamentary Practice refers to certain Bills, certain Motions. But here we were dealing with a No-Confidence Motion. There were certain objections being raised about

the functioning of the Government. If a particular party accepts that one of their long pending demands is met and then they given their vote, what is objectionable about it? I am surprised to hear that preposterous argument from Shri Somath Chatterjee when he says that a group which was expected to vote for the No-Confidence Motion voted against the Motion. Where does he expect that from? Was there some sort of dealing between them earlier or some sort of dealing today? (Interruptions) Shri Jaswant Singh was referring to the point and I am not really getting into that in detail. But he was referring to the knowledge being made public about a particular incident taking place. I would like to briefly mention here about that also. I am sure Shri Jaswant Singhji knows the date when Shri Shailendra Mahato being disgusted, as it was pointed out, joined their party and did he tell them what are the reasons for which he joined that party.

How was he disgusted? What was the conscience pricking him when he decided to part company with the Jharkhand Mukti Morcha? Those are the questions which are really not within our domain to examine and to come to some sort of finding thereon.

The other argument which I was trying to build up was regarding the allegation of some illegal pay-offs. This is a question which is currently under adjudication. That is why I was prompted to say that Shri Arjun Singhji did not raise that point. Well, it is within his right to say that he did emphasise upon it, that he did mention it. This is a question which is under adjudication, under some sort of discussion by the court, that is, the High court of Delhi as also the Income-tax Department which has issued notices to various concerned persons. If these two authorities, that is, the High Court of Delhi and the Income-tax Department independently, have issued notices to the four members of the Jharkhand Mukti Morcha on this matter, and to various other persons, will it be appropriate and proper for us to discuss at this stage whether those allegations are correct or not? That is a matter for the courts to decide. And I do not say that thereafter we do not take it up. With all humility and responsibility, I make that statement that if tomorrow the courts were to hold finally that there was some thing amiss on this, may be it is within our right to then take up that this in a fact established by the court and, therefore, we definitely feel concerned about it, the House is concerned about it, and, therefore, we wish to follow a particular course, including moving a motion of privilege against any person, howsoever high he may be. But since that matter is pending before the two statutory constitutional authorities. I think we should not be taking up that matter at all.

To begin with, Shri Arjun Singhji very rightly expressed his concern about the maintenance of dignity of this House. This, I would say with all respect, with all humility, is of utmost importance, of paramount importance to each one of us. May be we are falling in our conduct, may be we are found wanting when we conduct ourselves on certain occasions, but that has to be the primary motive and, I am sure, that is always the motive of each one of us. Precisely for that reason, I feel that when we invoke a provision like breach of privilege against the Prime Minister which, as

has been said by hon. members from the other side, is fraught with serious implications - Shri Jaswant Singh Ji used those words serious and far-reaching implications - I think that does expect of us that we think seriously before moving a motion like this, before we invoke a provision, before we invoke the process of this august House to discuss any particular matter, particularly when that very matter is *sub-judice*, pending as it is before the High Court, before the Income-tax Tribunal.

Since this matter would involve an inquiry into various connected matters - he referred to the corollary of certain things flowing therefrom - some of those matters would be, as I have mentioned, when did one of the members of the Jharkhand Mukti Morcha join the Bhartiya Janata Party, did he or did he not make a statement which was reported in the Press, if he did make a statement, was, it or was it not on his free volition, was there some force working behind him urging him to make that statement and did he not come to the House and repudiate all that, deny all that what was attributed to him, and did not another hon. Member, one of the four members, the Vice-President of the Jharkhand Mukti Morcha.....(Interruptions)

SHRI JASWANT SINGH : Mr. Speaker, Sir, if he yields for a minute, I shall just correct the facts. The statement that was made outside the House was, in essence, repeated inside the House, except where it involved the receipt of money. Receipt of moneys had a different reference outside, receipt of moneys as was said here, was for party purposes. About meeting the Prime Minister and about Jharkhand Mukti Morcha, all those aspects are exactly the same as were said outside.

SHRI MALLIKARJUN : As an elected representative on a particular cause, the cause of Jharkhand, if he meets the Prime Minister, if he demand the Government to fulfill what they desire, what is wrong in it? .....(Interruptions)

SHRI RAM NAIK : Whether it is right or wrong will be decided by the Privileges Committee, not by you .....(Interruptions)

SHRI PAWAN KUMAR BANSAL : Sir, in all humility I would say that what Mr. Jaswant Singhji has said does not knock out the basis of my argument. I always admire the way Shri Jaswant Singhji speaks and put across his view point. Often, he charges the Government, he adorns the mantle of a public prosecutor, may be he was doing that again and trying to make out a distinction between inducement, between the receipt of money, between the source of money. Sir, the only point that matters here, and there was complete repudiation of that point by Shri Mahto, relates to the source of money. I am sure we are not concerned with the receipt of money at this moment by different political parties. I do not want to get into that. Sir, that is a very valid question, but the question here is what was the source of money which is supposed to be held by four hon. Members of Jharkhand Mukti Morcha?

SHRI ARJUN SINGH : Is that not *sub-judice* ?

SHRI PAWAN KUMAR BANSAL : That is *sub-judice*. That is exactly what I am saying, Sir.....(Interruptions)

SHRI RAM NAIK : You have lost your point now.

MR. SPEAKER I do not think he has lost his point.

(Interruptions)

SHRI PAWAN KUMAR BANSAL : If that gives you the satisfaction, please be satisfied.....(Interruptions) Sir, a few days back, the Prime Minister made a very bold statement outside Parliament, statement 'give me stability, I will give you prosperity'. He made that appeal to the countrymen on whose support, on whose confidence he has been running the country for the last five years despite that barrage of No-Confidence Motions, that barrage of Censure Motions, Adjournment Motions, Sir, I remember vividly that when that No-confidence Motion was being debated in this House and finally voted upon I am repeating what I had said on earlier occasions - we did not win by four votes, the Motions of No-confidence was defeated by 14 votes. There were other hon. Members, may be amongst the vast cross-section of this House who abstained from voting. Why they abstained from voting was because they felt that this Government is doing its job well.

SHRI ARJUN SINGH : I think the petition of Shri Ajit Singh speaks about it.

SHRI PAWAN KUMAR BANSAL : Please take out the records, you will see, there were other Members also. There were hon. Members in this House, I am sure, who were not agreeing with, they were not party to the view held by the leadership of Bharatiya Janata Party. There were Members among Bharatiya Janata Party also not wanting the Motion to be carried out. Sir, does it mean that we had won over those people? Sir, my submission is that there were hon. Members in this House who all through this period of five years wanted stability in the country. They wanted the Government to continue in office because various measures initiated by the Government which had started yielding results should not actually be stymied, all those efforts should not be stymied and that the Government with that resolute firmness, with that firm determination must go ahead.

Today Sir, at the tag end of the term and the tag end of the last Session of this Parliament, there are so many items before us. we have not yet discussed the Motion of thanks to the President. Has it ever happened, Sir, that we are about to conclude the Session and we have not yet taken it up? There was a reference made to various other items today morning.

15.00 hrs.

At this time, if we are raising up such matters, trying to pick up something and try to draw sustenance therefrom to point out something against the Government in a desperate bid to malign the Government, to tarnish the Government, I am sure that is not going to carry weight with the people.



Sir, as it was said earlier, history is being made. When history passes a judgement, it passes without an discrimination, without any favour and that judgement, at times, is very harsh and it is very such less for the people. We all have to be aware of that and if history passes that judgement, we will be seen doing no service to the society that we, at times were trying to create instability which could cause the country dear in the days to come.

With these words, I think this Motion, this matter being raised does not deserve leave of the House.

SHRI RAM KAPSE : Mr. Speaker, Sir, I want to speak about *sub judice* matter only, because he has regerred to that word.

MR. SPEAKER : Yes.

SHRI RAM KAPSE : On page 946 of Parliamentary Practice and Procedure by Kaul and Shakhder it is very clear that while deciding about *sub judice*, we have to take into account our fundamental rights, I will read out only one paragraph.

MR. SPEAKER : But we have not disallowed the discussion on the floor of the House.

SHRI RAM KAPSE : He was saying that because the matter is *sub judice* it cannot be allowed.

MR. SPEAKER : The fact is that we have allowed the discussion.

SHRI RAM KAPSE : His argument is that because the matter is *sub judice*, the Motion of Privilege should not be allowed. That was his point. I wanted to oppose that. On page 946 of this book, it is clearly made out.

MR. SPEAKER : I have no doubt on that point.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (PROF. M. KAMSON) : Mr. Speaker, Sir, I am on a point of order. I have been very carefully listening to your remarks.

MR. SPEAKER : My remarks ! You do not have to commend on my remarks. You come to your point.

PROF. M. KAMSON : Sir, I am coming to my point. I was thinking that we are just looking into the admissibility of the Motion. Hon. Arjun Singhji said that he was trying to get admissibility for the Motion. Under Rule 224 (ii), a specific subject matter has to be made out. My point is whether it has been established or not. You have made a remark that there are two aspects. One is the payment aspect and the other is the improper influence.

MR. SPEAKER : I have not said that. They have been saying that.

PROF. M. KAMSON : You quoted like that. I have been hearing that line. As regards 'improper influence' is concerned, which is considered to be one of the basis for this Motion, or sometimes it is put in other words as bribing the Parliament....

MR. SPEAKER : What is your point or order ? I allowed your point of order.

PROF. M. KAMSON : I am coming to that. Jaswant Singhji used the word 'inducement'.

MR. SPEAKER : That is an argument.

PROF. M. KAMSON : If this is the basis for this Motion, it is insufficient and it is not a specific matter.

MR. SPEAKER : It is all right. Let me know which rule has been contravened.

PROF. M. KAMSON : I am referring to Rule 224 (ii).

MR. SPEAKER : What is Rule 224 (ii)? It says that the question shall be restricted to a specific matter of recent occurrence.

PROF. M. KAMSON : It is not specific. That is my point, because it is challenging the very foundation of democracy, convention and practice. They have said the assurance of the Government is an inducement.

MR. SPEAKER : This is not a point of order. I am not allowing you. Please take your seat.

PROF. M. KAMSON : If the assurances of the Government, promises of the Government, manifesto of the party are considered to be inducement, then democracy would not be there.

MR. SPEAKER : That is right. That is a good point.

PROF. M. KAMSON : it is not subject matter for admissibility.

[Translation]

SHRI DEVENDRA PRASAD YADAV : Mr. Speaker, Sir, a discussion is going on in this House for two and a half hours on the issue of breach of privilege.

MR. SPEAKER : You are not required to discuss it, but to tell me about it.

SHRI DEVENDRA PRASAD YADAV : The House is discussing the subject for two and a half hours to decide whether it is a fit case of breach of Privilege or not. A fruitful discussion covering its rule and sub-rule is going on. I am in favour of a discussion. We can find a solution only through discussion. The House is meant for discussions. If you do not give your ruling in view of the events taking place here, the matter ends.

[English]

MR. SPEAKER : It's all right, very good speech.

(Interruptions)

[Translation]

MR. SPEAKER : It is not the question of my judgement.

[English]

You leave it to me or to the House, I am ready to leave it to the House. Let the House decide. I am going to ask the

House whether it is admissible or not. The Speaker also can decide whether it is admissible or not. Now, if you say that it is to be decided by the House, I will leave it to the House.

[Translation]

SHRI DEVENDRA PRASAD YADAV : The House as well as the Chair should give their ruling on this.

MR. SPEAKER : No, no, that is not a solution.

[English]

You should not be saying many other things. I am just wanting to know whether it is going to be left to the Speaker or to the House. Whatever you say I will accept.

[Translation]

SHRI DEVENDRA PRASAD YADAV : Mr., Speaker, Sir, I am concluding. If there is further delay in your ruling.....(Interruptions)

MR. SPEAKER : I was saying the same thing.

[English]

My understanding and my judgment may not be equal to the understanding and judgment of the entire House as such. I would very humbly like to submit that let this matter be decided by the House. But if you think that I have to decide, I will not run away from it.

[Translation]

SHRI ABUL GHAFOOR : Please put one more condition in this regard that the leader of the House should make an announcement that everybody should vote as per his conscience, otherwise the ruling party will support a particular section and others will support another section. This is a major issue.

SHRI DEVENDRA PRASAD YADAV : I would like to make a brief submission. I was listening to the thorough discussion with patience. Why the discussion should not be shortened ?

MR. SPEAKER : That is why I am asking you to be short.

SHRI DEVENDRA PRASAD YADAV : This is a very simple case. In the discussion, the truth is hidden. In order to bring the truth to light three points are to be considered. These points are ; time, place and cause of occurrence. If any efforts was made to induce, influence or adopt any other method at the time when there was a need to influence, induce or get support of anybody, then I would like to say that ....(Interruptions)

MR. SPEAKER : If you speak a lot, I will be confused.

[English]

I am enlightened too much now.

SHRI UMRao SINGH : Sir, some points of order have been raised, you have to give a ruling on that. I have raised one point of order and Mr. Patra has raised one point of order.....(Interruptions)

[Translation]

SHRI DEVENDRA PRASAD YADAV : If you consider this a *prima facie* case.....(Interruptions)

[English]

MR. SPEAKER : What is *prima facie* ? Let us understand, what is *prima facie* evidence. *Prima facie* evidence is that evidence which is sufficient to decide the case one way or the other if not rebutted.

[Translation]

SHRI DEVENDRA PRASAD YADAV : *Prima facie* there are two things in it whether it was done for self interest or for collective interest to form the Jharkhand Development Council. It covers both. The statement of the hon. Member of Jharkhand Mukti Morcha has been recorded in the proceedings of this House. The proceedings reveal *prima facie* that the hon. Members give contradictory statements inside and outside the House. Who is behind this. This doubt has arisen in the minds of crores of people in the country. People look to this House. The hawala wind is blowing so fast that the people are surprised to see the development taking place. In the sequence of these developments my submission is that if you give your judgement, let the Privilege Motion be moved for voting. Kindly give your consent. And if you have given a judgement then the Motion may be accepted and referred to the Privilege Committee for investigation of the matter and submission of a report in this regard. This is what I want to propose.

[English]

SHRI PRATIBHA DEVI SINGH PATIL (Amravati) : Mr. Speaker, Sir, I would very humbly like to say something on this Privilege Motion. I have got all respect for hon. Members, Shri Arjun Singh, Shri Jaswant Singh, Shri Somnath Chatterjee and everybody who have put their points of view here. I would like to say something on the merits of this case. I would like the House and the hon. Speaker also to look from the other side of this issue.

Now, two points have been raised. One is regarding the payment and the other is regarding improper influence, inducement *quid pro quo*. On the first point, the hon. Member who is in question, who is being talked about, has already explained on the floor of this House and, I think, what he has said carries more weight than any allegation which has been made in absence of any conclusive proof. Regarding the question of improper influences, it has been said that the discussion took place between Shri Suraj Mandal and Shri Buta Singh; secondly, a meeting took place between the Prime Minister, Shri Suraj Mandal and Shri Buta Singh.

15.11 hrs.

[SHRI NITISH KUMAR *in the Chair*]

It is observed or it is said that some inducement was given to them. If anything was pre-planned, prearranged or if any promise was given, then it is expected that the Prime Minister, in his speech, in the first instance itself, will give a promise to Jharkhand Mukti Morcha acceding to their request. You understand, Sir, what was the situation at that time. The No-Confidence Motion could have been passed if some Members from the other side had not helped and the Government was under terrible stress, the Prime Minister was under terrible stress. It was a very crucial circumstance which the Treasury Benches were facing. If that was the situation, the Prime Minister would have taken the first chance to mention that he accepts the demands of the Jharkhand Mukti Morcha. But what has happened is that neither in the first instance nor in between his speech or in the last part of his speech he said anything about this. He concluded his speech without making any mention about Jharkhand Mukti Morcha. So, if that was deal or if that was an inducement, I do not think that a person like the Prime Minister will forget to mention anything which has been dealt with before, which has been agreed to before, that was not the case. And, therefore, his speech did not mention anything about that. Only when Shri Suraj Mandal got up in his seat and said that his demand should be accepted, at that point, the Prime Minister has said that, in principle, he is agreeing to the demand.

15.15 hrs

[MR. SPEAKER *in the Chair*]

When Mr. Suraj Mandal said that he would extend the support if the demand was accepted, he has not said that, 'I will accept your demand, provided you give me the support'. He has said that, in principle, he accepts it and nothing more than that. It has been the parliamentary practice that whenever the Prime Minister makes a speech or whenever the Finance Minister makes a speech or whenever the Railway Minister makes a speech or any other Minister dealing with concerned Ministry makes a speech, the hon. Members get up in their seats and ask for something. If those are acceptable, the Minister says, yes : if it is not acceptable, the Minister says, no. This has been the parliamentary practice. If the Prime Minister got up in his seat and suppose said that he will look into it, what is wrong about it ? It is a parliamentary practice. When the hon. Member gets up, it is such an important issue which has been raised many a time in the House, and asks some question, what do you expect the Prime Minister to do? Do you expect him to say no to that? If he really wants to consider that issue, what do you expect the Prime Minister to say? Do you want him not to reply when he is supposed to reply ? He ought to give due consideration to that. Therefore, he said, "I will look into that". What is wrong about that? I do not think, you could consider that as improper influence or inducement. What kind of a Prime Minister would he be, when the Government is in danger, if he foregoes to make an important point?

So, I do not think this argument is proper. In fact, it was the practice in the House that hon. Members make some

points and the Ministry or the Members of the Cabinet accept them if they are acceptable and say 'No' if they are not acceptable. Every day when the House starts there is a Question Hour and if the Members raise some points which are acceptable to Government, they accept them. I also once raised a point when the Minister for Agriculture was reply to the question whether he was going to give 75 per cent subsidy to women farmers. He agreed to that. That was not an inducement. It should not be looked upon that it is an inducement. I would like you and the House to look at this from the other angle and not from this angle.

[Translation]

SHRI RABI RAY (Kendrapada) : Mr. Speaker, Sir. Shri Chadra Shekhar raised a pertinent question when Shri Nirmal Kanti Chatterjee was speaking. I would like to cite an example from the world history. You must be aware that when the Nazis were massacring the Jews at a time when the world war was going to end, the killers chased them and nearly 30 year later in Israel where according to the law of the land, so far as I remember...

[English]

MR. SPEAKER : That is the difference between the criminal cases and the privilege matters.

[Translation]

SHRI RABI RAY : I am not talking of any criminal or civil case. My point is that corruption is such a thing, you may go through May's Parliamentary Practice. On page No. 119 it is said in regard to corruption:

[English]

I quote from May's Parliamentary Practice :

"The acceptance by any Member of either House of a bribe to influence him in his conduct as such Member or of any fee, compensation or reward in connection with the promotion or of opposition to any Bill, Resolution, matter or whether submitted or intended to be submitted to the House or any Committee thereof is a breach of privilege."

[Translation]

I would, therefore, request you to glance through May's Parliamentary Practice. A Member of Parliament who accepts bribe and is charged with corruption is not only damaging the democratic set up but also acts as its annihilator, Mr. Speaker, Sir, you and not this House have to take a decision. I was trying to find a precedent wherein our Parliament.

[English]

came to grips with the situation

[Translation]

in a smooth way, that will help you in giving your ruling.

Today, Shri Arjun Singh very briefly touched the Mudgal case during his speech. Through you, I would like to convey it to the House and the country that the question of *quid pro quo* had come up at the time of 'No-Confidence Motion' moved in 1993 when defections took place in JMM, Janata Dal, Telugu Desham and Shiv Sena. When the question of JMM was raised, Shri Somnath Chatterjee had rightly said that everybody thought that the JMM would vote in favour of the Opposition motion like the Janata Dal and other Parties but not in favour of the Government. That is why I say that the matter has not been discussed the defection took place in 1993. When this matter came up before the Delhi High Court, and the question at payment etc. was taken into considerations it was highlighted in such a manner so as to remind the countrymen as to how defections were influenced and how our Members

[English]

had indulged in acts of misdemeanour.

[Translation]

Therefore, I say it very humbly that the whole House is talking of breach of Privilege today. We will rise above party politics in debating and voting on this issue. That has been our tradition. Shri Mudgal was a Member of the Congress Party, a Member of the Provisional Parliament. Late Shri Jawaharlal Nehru was the leader of the House and he was not satisfied with the Developments. The then Speaker, Shri Mavalankar had stated something which I am reading out before the House :

[English]

"(Even though) there is a committee of Privileges constituted under the rules, yet it is within the powers of the House to constitute other special committees if there are any special circumstances and inquiries to be made. There is nothing inconsistent in that. Moreover, it is a moot question to be considered whether any such conduct as alleged is really in a sense a breach of privilege of the House or something different. A member may behave in a manner in which the House would not like him to behave and yet it may be argued that it is not a breach of privilege. In all such circumstance, the practice in the House of Commons has been to constitute a special committee and the procedure of making a motion is the procedure that is usually adopted in the House of Commons even though there is a Committee of Privileges .

[Translation]

Mr. Speaker, Sir. Mavalankar Ji constituted a five member committee because it came to the mind of Jawaharlal Nehru at that time in 1951, when the Parliamentary democracy in India was at an early stage during the Provisional Parliament, that despite being a Member of the Congress Party he should be awarded an exemplary punishment. In the present case, the former Home Minister

says that he escorted the JMM Members to the hon. Prime Minister's residence and said that it was the opportune time... (Interruptions) these words carry weight. In the Mudgal case, he was serving the interests of a business house in Bombay. Is not this a more grave act of misdemeanour, I would only like to ask the House?

[English]

Is it not a greater act of misdemeanour than, the Mudgal case?

[Translation]

Therefore, I am telling you and the hon. Members that it is not something you are speaking against. The hon. Prime Minister against whom this allegation has been made is the leader of the House. Hence, a special committee of the House can be constituted for the purpose and it can be referred to the Privileges Committee as well. My personal opinion is that the Prime Minister is involved in it. Therefore, it should not be referred to the Privileges committee as a routine matter but should be sent to a special committee, following the precedent set by Shri Mavalankar because to Indians, Parliamentary democracy is a way of life which is in danger today. Hence, I request you to accept the demand of a Privilege Committee.

[Translation]

SHRI CHANDRA SHEKHAR (Ballia) : Mr. Speaker, Sir, Shri Nirmal Kanti Chatterjee has put this question more correctly. It is not important as to how and when this incident happened but what is more important is its impact on our social and political life. Sometimes very trivial incidents change the course of history. It is also important as to whom the incident is related. If any incident indicates even the slightest involvement of the leader of the House or the Prime Minister of the country, then it becomes more important and if we consider the incident as per Rules and Regulations, we shall not be able to impart justice to this Parliament.

Mr. Speaker, Sir, let me make it clear at the outset that as the Speaker of the House, you have got discretionary powers, so that if a situation arises you may take a decision even rising above rules and give a ruling, keeping in mind the dignity of the House and the future of the country.

My colleague who has left the House just now had said that whatever happened in 1977 was an act of retaliation. It pained me because Indiraji was jailed for one day whereas I was put in jail for 18 months, but I never said that it was done in retaliation. Sir, I beg your pardon but it is easy to say, as you have said, that we want to repeat the tradition set up by that Parliament. That Parliament also consisted of responsible Members, and all of them were not irresponsible. All of them were not acting with a revengeful attitude. I would like to say two things in this regard.

Some of my colleagues say that it is the duty of the hon. Prime Minister to give an assurance. The assurance was

given before voting and after voting it was not honoured. It is not fair. To give an assurance by the hon. Prime Minister at that time was not proper and non-fulfilment of that assurance is even worse. Well, it is a different matter. Now, you may ask whether the money was taken or not? But, the question is whether this House needs this clarification? An hon. Member of this House makes the statement in the presence of the leader of the Opposition and at least 50 media persons and the next day, changes that statement. Sir, it is true that as per the rules, statement made by him in the House should be given due recognition. But propriety demands that we should know as to how his mind has changed within 24 hours. Shall we not give it a thought, whether it comes in the purview of the Rules or not? I am not much conversant with the Rules, but in our Parliamentary democracy, an hon. Member of the House makes a statement outside the House in a press conference and changes his stand within 24 hours. My colleagues in the Congress Party may take it as their victory but I take it as the biggest defeat of the Parliamentary democracy.

Secondly, I was going through the statement of another Member. He has stated in this House that he is a poor man and did not purchase gold but deposited the money in the bank. I do not know whether the hon. Prime Minister or the hon. Ministers should refute this statement or not. Hon. leader of the opposition, I beg your pardon, I was not present at that moment, but would like to know whether any question arises out of such statement of a Member or not? Secondly, one should know the atmosphere prevailing in the country and what the people think about the Parliament. Sir, when there is such an atmosphere in which every effort from outside the Parliament is being made to underline the dignity of the Parliament, would we, considering these matters as technical, say that there should not be any discussion on this issue? Sir, I do not know whether it is a privilege issue or not but is it not the responsibility of the leader of the House, the hon. Prime Minister to come to the House and make a statement on such an important issue in which one Member changes his earlier statement and another hon. Member says that he has deposited money in the bank and in which there is alleged involvement of ex-Minister of Home Affairs and talks with the hon. Prime Minister has also been mentioned. But, the Prime Minister has not even considered it necessary to make a statement in the House. He may come back to power again by raising the issue of stability, counting his achievements of five years or by any other miracle just as he changed his minority Government into majority but sometimes, it happens that people in power wipe out democracy also

Therefore, the question raised by Shri Arjun Singh today, is not a simple one I beg your pardon for saying something in anger but I would like to say...

MR. SPEAKER : You are an elderly person. Your anger also guides us.

SHRI CHANDRA SHEKHAR : Mr. Speaker, Sir, you should guide the House. You should not leave it to the

House whether it is technically correct or not. The question raised by Shri Nirmal Kant Chatterjee about the seriousness of the matter is right. This matter is related to someone. If you are going to take a decision keeping in view its likely impact on history as well as the dignity of Parliament then, I think, the statement made by Shri Arjun Singh points towards the right direction. If you take a decision keeping this in mind, it will be in conformity with the dignity of the Parliament and you will be doing justice to history.

MR. SPEAKER : That is why I am saying that it should not happen that one type of decision may be right whereas other may be wrong. Therefore, it will be better if the House decides it and if the House does not do so, I will certainly do it.

[English]

SHRI SRIKANTA JENA (Cuttack) : Sir, I will take two or three minutes.

From the beginning I was thinking not to participate because during the discussion in Hawala, I have mentioned it but since the motion has been brought by Shri Arjun Singhji, I thought that it would be historically a blunder if I do not say a few words at this crucial juncture.... (Interruptions) It is not for the news....(Interruptions)

MR. SPEAKER : Jenaji, do not heed to your friends there.

SHRI SRIKANTA JENA : No, Sir.

For the defection there is a law called Anti-Defection Law passed by this Parliament, Ultimately we in Janata Dal were the greatest victims during the last five years. I have nothing to hide, it is known to everybody. Not only this JMM....(Interruptions)....It is not only the JMM, about more than 20 MPs have gone there. In the front Bench one of the Ministers is sitting there. He was elected from the Janata Dal ticket against Congress. He has got vote from Janata Dal and come to this House but today he is the Minister there I do not mind for that....(Interruptions)

The point is about the issues raised by Shri Chandrasekharji, Shri Rabi Rayji and many senior leaders in this House. They raised the question of morality - whether this has been maintained during the last five years or not. Shri Rabi Rayji and others have disagreed and said we disagree and the Parliamentary Party got split.

I need not go to the history of the whole petitions and petitions after petitions. Many petitions are pending before you. I do not want to go into that. The point which was raised.....

SHRI PAWAN KUMAR BANSAL : Sir, he is not a victim. He has been promoted. He is the Leader now. He is not a victim.

SHRI SRIKANTA JENA : You will also be promoted if your Leader is out.

SHRI NITISH KUMAR : He has chances of further promotions....(Interruptions)



SHRI SRIKANTA JENA : The point is simple. The hon. Member Shri Suraj Mandal says, " I did not know how to keep this money". In one day in one bank Rs. 1 crore 20 lakhs goes to a bank in different Members' name. The Finance Minister is sitting over here. If it would have been a party funds, the party fund could have been deposited in Ranchi. If it was a party fund collected from Ranchi, it would have to be deposited somewhere in Ranchi. There are many supporters of JMM around Delhi and inside Delhi and they gave this amount and they gave it at a time and they deposited that money in one day in one bank in four Members' name. About the flirts there are the issues. I do not want to go into that. Shri Bansal says that it is a sub judice matter. Okay, it is a sub judice matter to be discussed but will you not apply your mind, will you really get divided only in the party line. Wherefrom did this money come?

About the inducement - for Pratibhaji I have a greatest respect - yes, the Prime Minister gives assurance on the floor of the House and on the basis of assurance, yes, somebody may change their mind But the arrangement was made just before the assurance. As said by Shri Buta Singhji that he took them to the Prime Minister's house before the Vote on No Confidence Motion. It was made final in No. 7 Race Course Road.

A deal was made. It was a stage-managed arrangement. The real deal was made in his residence itself. That was said by both Shri Suraj Mandal and also by Shri Buta Singh. You have said once that whether you will be there in the Chair or not, but the history will say what really we have transacted and what we have left for future.

MR. SPEAKER : Will it constitute a pressure or inducement to me?

SHRI SRIKANTA JENA : No. Sir, I will only plead before you and request you to please decide this. The prestige of the Prime Minister and Leader of the House is involved in this motion of privilege. Therefore, please send it to the Privileges Committee. Let the Privileges Committee come out with the truth. In the Privileges Committee the Members from the ruling party are more in number. Let it go to the Privileges Committee; let it inquire into the whole aspect, not only the aspect involving JMM Members, but other Members also - those who left us and joined the ranks of Congress- in respect of whom there is the question of inducement. That also should be taken up, so that the Pandora's box is opened fully and not partially.

[Translation]

SHRI ATAL BIHARI VAJPAYEE (Lucknow) : In this discussion, my name has been mentioned time and again. Therefore, it has become necessary for me to say something. Shri Arjun Singh and Shri Jaswant Singh have placed the matter relating to breach of privilege very effectively. I have also heard the views of hon. friends of the Congress Party. I have got some indications from your remarks.

MR. SPEAKER : That is why I was saying that you should not depend upon my indications. You decide this matter in the House only by putting it to vote. [English] which is also legally allowed.

[Translation]

Otherwise you would say that I have given indications and decided it at my level only. You may say something else also.

[English]

I am leaving it to the House to decide in whatever manner it likes.

[Translation]

SHRI DEVENDRA PRASAD YADAV : We leave it to you

MR. SPEAKER : No, no Mr. Vajpayee is saying ..... (Interruptions)

SHRI ATAL BIHARI VAJPAYEE : Mr., Speaker, Sir, how did you think that the indications I have got are not good or not bad....(Interruptions) I have got an indication that you will not leave the matter to the House. You, will decide it yourself.

MR. SPEAKER : No, no. Vajpayee jee. I have no objection. Whenever you and other senior Members speak, that becomes a sort of guidance for other members and the House.

(Interruptions)

SHRI ATAL BIHARI VAJPAYEE : Mr. Speaker, Sir, there is no doubt that this issue pertains to the year 1993. If the rules are interpreted in a narrow manner, you will find that an effort has been made to link this issue with the present case. And it is a right approach. But in the reply it could be said that an old issue is being raised. In 1993 also, a doubt was raised as to how did the minority changed into majority.

SHRI MOHAN SINGH (Deoria) : Shri Ajit Singh, who is a Minister had said.

SHRI ATAL BIHARI VAJPAYEE : I would like to quote whatever Shri Ajit Singh had said at that time :

[English]

"The defections had been from the ranks of the party M.Ps in commando operation by using cars and money".

[Translation]

Four members of the Jharkhand Mukti Morcha were against the Government. They sat with the opposition. They were about to use their right of vote. An effort was made to win them over to the other side and no doubt, they succeeded. Shri Advani is not present in the House at the



moment. Pratibha ji was saying that had the Prime Minister made any promise, he would have declared it in the House during his speech itself and may not have concealed it till he has reminded by Shri Suraj Mandal. When a deal had been struck what was the need to divulge it? It was stated in the House that a deal had been struck. When the hon. Prime Minister was giving his reply, Shri Lal K. Advani stood up and raised the issue. I am quoting what Shri Advani had said addressing the Prime Minister :

"You have only said about the local and regional agitations and agitations that take place in Bihar and Assam. But you are not even making a mention of the Uttaranchal, about which the State Government had recommended and the State Assembly had sent a proposal to the Central Government. It is correct that we are not making the deal issue in the No-Confidence Motion. May be others might do so. But you are not even making a mention of the same.

There were some talks here and there that the deal was struck. It is correct that solid proof was not available. Solid proof have now emerged and for that we should congratulate Shri Mahto as he has now shown courage to divulge it.

A news item had appeared in the Newspapers that a heavy amount was deposited by a person in the same day in the same bank in Delhi in the names of the Members of Jharkhand Mukti Morcha. When Shri Mahto read the news it appeared to him as if he had committed a mistake. I want to make clear everything that has been said in this regard. We cannot put any pressure on them to say something in the press conference but the Government can. ... (Interruptions) He made a statement. Shri Chandra Shekhar asked a question as to why he had changed his statement? In fact, he should not have changed his statement. One day he could gather courage to reveal the facts. He should be commended for that. Otherwise, he could have remained silent on this issue like other Members and would not have said that it was a part of that deal.

Mr. Speaker, Sir, in this case, three points are clear but I do not want to repeat them as they have been mentioned several times. The Members of Jharkhand Mukti Morcha called on the Prime Minister alongwith Shri Buta Singh. The hon. Prime Minister made a promise to them to form a Development Council for the Jharkhand region of Bihar and after that heavy amounts were deposited in the names of four Members in a day by a person in the same bank. Cannot we arrive at some conclusion from it? After all, this is a question of morality. You can give your ruling by referring to a rule but we will certainly mention it. Is it proper in a democratic set up to adopt all possible tricks to save a Government facing threats all around. If all methods can be adopted to save the Government who can stop anybody from adopting all methods to form a Government? What would be the fate of democracy in such a situation. During the general elections. .... (Interruptions)

SHRIMATI SURYA KANTA PATIL (Nanded) : How much money you have given to Shri Mahto ?

SHRI HARIN PATHAK (Ahmedabad) : Now he is with you.... (Interruptions)

SHRI ATAL BIHARI VAJPAYEE : Mr. Speaker, Sir, this year is being celebrated as the 'International Women's Year'. I would not like to indulge in any controversy with any woman in this year. The amount received by the Members of Jharkhand Mukti Morcha was deposited in the bank. Had they got any money from our side, it would have also been deposited in the bank. .... (Interruptions) It can be enquired into. First you should agree to what I have said. It has been admitted indirectly that money has been given when it is being asked as to how much money had been given.... (Interruptions) Mr. Speaker, Sir, it is necessary to take the whole matter seriously .... (Interruptions) If any voter is lured to cast his vote in favour of a particular Party then it amounts to corruption. You cannot get votes by luring anybody because it can lead to the cancellation of election. When the Government was about to fall it was saved by allurement. It needs to be considered as to at what cost the Government was saved.

To what extent you can go to save your Government, these two things cannot be put apart. To make a promise for forming Jharkhand Development Council and to deposit money in the names of the Members are two inter-linked incidents and not sudden developments. It is now open to all. Now the issue of breach of privilege has come. In fact, an unusual situation has cropped up. The Congress Party is enjoying full majority. Mr. Speaker, Sir, therefore, we even cannot appeal to the Members of Congress Party to search their souls at the eleventh hour .... (Interruptions) but we do not want to put you in any difficulty. The House is going to be adjourned soon but while departing we are also going and wish that you should come back.

MR. SPEAKER : You will also come back.

SHRI ATAL BIHARI VAJPAYEE : But at the time, when the House is going to be adjourned soon, keeping in view the entire scenario and the need for democracy.. morality should be kept above the rules and laws... Rules and laws have their own importance but there is something above them and it demands that the Members of the ruling Party should come in the House and say that whatever they had done was wrong and make a request to forgive them. We are ready to forgive them.

SHRI INDRAJIT GUPTA (Midnapore) : Mr. Speaker, Sir, the breach of Privilege Motion which has been moved here by Shri Arjun Singh is being debated now, rather the admissibility of it is being debated here now for several hours. I think we have to come to a conclusion or a decision. Whether you will take that decision or you will leave it to the House to take that decision is another matter. I will give my opinion regarding that at the end. First of all, I would like to just inform you and the House about a note received by me. I had kept it with me.

I had kept it with me. I have not spoken about it or mentioned it earlier. It is marked 'confidential' from the Prime Minister's Office on the 23rd of February. The subject is notice of the question of privilege, dated 27th February, 1996 by Shri Indrajit Gupta, MP, against the Prime Minister

for allegedly denigrating the Parliament by paying large sums of money to Members to vote against the No-Confidence Motion against the Government.

I had given this notice which you, in your wisdom, were kind enough to disallow. Subsequently, I got this note. I was surprised. But anyway, it was some sort of a besmirch. "Hon. Speaker of the Lok Sabha may kindly refer to the Lok Sabha Secretariat u.o., dated 27th February on the subject mentioned above."

This is signed by Shri P.V. Narasimha Rao, Prime Minister and it is with his approval.

"The allegations in the published statement of Shri Shailendra Mahto are false and baseless and, hence, denied. In view of this, the question of denigration of Parliament does not arise. I would, therefore, submit to the hon. Speaker that no breach of privilege has been committed. I have no objection to this information being conveyed to the Member concerned."

So, apart from what the Prime Minister may or may not have said on other occasions, here in black-and-white, under his signature, is this note saying that the allegations in the published statement of Shri Shailendra Mahto are false and baseless and, therefore denied?

After that, we know what happened with Shri Shailendra Mahto. Anyway, now that I wish to say is, inducement to a Member in order to behave or vote or do something in a particular way is inducement. Nowhere it is said that it is confined only to monetary inducement. It can be other forms of inducement also. It can be political inducement. It can be a monetary inducement.

Now, in this House, we have heard from some Members of the Jharkhand Mukti Morcha, particularly Mr. Mandal. That was his version that they had been assured by the Prime Minister that this Jharkhand Vikas Parishad would be granted to them and some agreement had been reached regarding that. He also said, "I regret very much that we believed the Prime Minister. And on the basis of his assurance. We decided to vote against the No-Confidence Motion. Now, I regret it very much."

He said, "It is a big mistake or blunder that we committed. Now, we find that assurance has not been honoured and the agreement that was reached has also not been honoured." That may or may not be. As far as assurance is concerned. I have no first hand knowledge. I am not in a position to say exactly what kind of assurance they had asked for from the Prime Minister and what kind of assurance he gave to them. Perhaps Shri Buta Singh can throw more light on that because he was present. It seems he was present during that meeting and that discussion.

But what I wish to point out is that I am very glad and I must congratulate Shri Arjun Singh for having raised this matter and brought it before the House. It is not a question of blaming somebody or not blaming somebody else. I feel

that as a result of this whole Hawala revelation, including this incident relating to Jharkhand Mukti Morcha people. I feel that these are developments which are beginning to set into motion a sort of cleansing process, a purification process which may come about in our parliamentary life, in our social life, and in our political life.

Some kind of a cleansing process is badly needed. Cleaning of the Augean stables is required because the whole country and the public, at large unfortunately regard political parties and politicians as dishonest. Of course, they are the public's outlook moulded to a large extent by the media also. But generally, we are being looked upon as dishonest and undesirable characters. It is necessary that some process should be started by which facts are brought to light and those who are really guilty of malpractices, immoral practices and illegal practices should be hawled up and some kind of a cleansing process should be started; some fear should be put into the hearts and minds of people who are susceptible to these types of inducements and who are unfortunately willing to sell themselves today. Purchasable commodities, saleable commodities among politicians and party people are not a hidden secret; it will become a very common thing in this country. Now, about political inducement, if there was any, it seems there was, according to what Mr. Suraj Mandal has said in this House. But apart from that, was there any monetary inducement given or not? Who is to go into this? Who is to make further enquiries which is certainly necessary? Nobody has replied to these allegations which are contained as part of Shri Arjun Singh's notice to breach of privilege in which he has quoted chapter and verse to show the dates. In August, 1993, these large sums of money were deposited in cash in the bank accounts of certain Members of this House and photocopies of receipts are here and according to Mr. Suraj Mandal, they were put in the bank; they were his money, party's money and not money which was given to them as inducement. It may be but the matter has to be gone into now because I do not agree with Mr. Suraj Mandal. I think he is belittling his own people when he says :

[Translation]

"We are uneducated and indigent. We are animal. We are treated like animals."

Who treats them like animals? We do not treat them like that.

But the point here is, we find that a mention is being made which is very easy to verify; it is not difficult to look into the fixed deposit receipt No. 196 dated 1.8.1993 for Rs. 39.80 lakhs favouring Shri Shailendra Mahto and Abha Mahto for a period of 12 months. Other fixed deposit receipts in the name of some other Members are also there. I am mentioning particularly of Shri Shailendra Mahto because of what has happened - the statement he has made and the statement that he later retracted. There is the other mention of Savings Bank account No. 18993; there are accounts of other Members running into lakhs of

rupees. There is the combined fixed deposit receipt No. 195 for Rs. 30 lakh for 60 months favouring Shri Shibu Soren, Shri Suraj Mandai, Shri Simon Marandi and Shri Shailendra Mahto.

16.00 hrs

This Fixed Deposit Receipt was closed on 18.5.94 and converted into Special Fixed Deposit Receipt No. 2000 for Rs. 30 lakh. Other Members have already raised this question as to how these huge sums of money could have been deposited into the Bank accounts of these four or five gentlemen, all Members of this House, on the same date. I think that is curious enough for anybody to make a further enquiry or probe into. Therefore, Sir, this "a matter of recent development" has just no meaning. Something might have happened three years or four years ago; it may not have come to light. We may have come to know about it only recently. They were not being done openly in public. So, even if something takes place in 1993, it does not mean that it is no longer a recent development because it came to light and to the knowledge of the public and the House, and everybody only now. That should not bar; that cannot bar it. There is no time-bar like that in matter which is so important.

Therefore, I do maintain that this whole affair is something on which the future of this Parliament's probity, its standards of conduct, its honesty, its integrity, everything depends. And involved in it deeply is the Prime Minister himself, the leader of this House. This allegation has been made publicly by the Leader of the Opposition to the Press. We asked the hon. Prime Minister the other day, "are these charges which have been made against you - they may be true, they may not be true - under investigation or not?" As far as I know, Sir, reading from the Press, the CBI had gone to the court and said that apart from the allegations made, there is no further evidence on whose basis they can further pursue investigations. In other words, the CBI wanted to close the matter because, according to them, there is no further evidence on which to proceed. But the court, as you know, Sir, has told them that they are not to close the investigation, they are to report to the court, they have to keep the investigation open and there is no question of closing.

Therefore, I humbly suggest that the allegations made against the hon. Prime minister, the Leader of this House, are still open for investigation, they are under investigation. What the end result will be I cannot say. If those matters are still under investigation, that is the basis on which we are saying, it is absolutely against Parliamentary probity for a person, specially one holding the highest office in the Government, to remain sitting in his office while the investigation proceeds. It is not according to the conduct of Parliamentary democracy anywhere, in any country of the world. We are very proud of the fact, Sir, that we follow the practice of Westminster and all that. But you know better than I do, scores and dozens of cases can be cited where at something much less than this, at a much weaker breadth of suspicion touching any Minister, they do not

hesitate to resign or to step down and allow the investigation to proceed in an impartial manner so that nobody can accuse them of having prejudiced in any way the investigation. But here nobody says anything; nobody is willing to step aside.

I think it would put up the prestige of the Prime Minister considerably and earns his prestige if he were to say, "all right, I consider these allegations to be totally false" that is what he had said in this note to me - "but since everybody is shouting against me and since the investigation is not closed. I do not wish in any way to vitiate the proceedings of the investigation or to be open to the charge of prejudicing the investigation and, therefore, am prepared to step down." I do not think that would harm him. It would improve his stature; it would improve his whole dignity.

SHRI SAIFUDDIN CHOUDHURY (Katwa) : Do you think he will do that?

SHRI INDRAJIT GUPTA : Am I saying that ?

I am not a bigger revolutionary as you are. (*Interruptions*) I agree. I am demanding something much different that he should step down and my objection to Shri Vajpayee's motion is that it has not teeth in it. It only says that we express our deep dissatisfaction at the failure of the Government to reply to these charges. That is all right. We are also dissatisfied. But because of the attitude the Government is taking to these charges and to the investigation which is going on, their motion should say that clearly that we ask him to step down or to resign. It does not say anything like that. Therefore, I am not in a position to support such a motion. The Motion most clearly pins down the complicity of the hon. Leader of the House in this House in the whole matter and to compel him to step down.

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE : Mr. Speaker, Sir, comrade Indrajit Gupta ji could have given notice of amendment to my motion if he so wished.

SHRI INDRAJIT GUPTA : I have given the notice.

SHRI ATAL BIHARI VAJPAYEE : That is why I have paved the way.

SHRI INDRAJIT GUPTA : I have given the notice of amendment along with 5-6 people. I do not know whether it will or will not be admitted by the secretariat?

MR. SPEAKER : When did you give the notice?

SHRI INDRAJIT GUPTA : At the end of your motion, we have said, "It may be added."

[*English*]

Therefore, we demand that the Prime Minister should step down....(*Interruptions*)

[*Translation*]

You know better whether or not that is acceptable to you?

[English]

There is no question and there should be no question of non-admissibility of this motion. It becomes a highly sensitive affair with which the whole position and future of the Prime Minister's Office is connected and it cannot be lightly brushed aside like that. Therefore, I am sorry, we are concerned, we feel the matter has to be gone into and all these points have to be further corroborated; have to be investigated; and which have to be confirmed. Who is to do that? We have got an instrument available which can do that work and that is the Committee of Privileges. All we are asking for, after all is that this matter should be referred to the Committee of Privileges. Let them take further evidence; let them go into the whole matter; let them make a searching enquiry and come before us with their report. That is what we are asking for.

With all due respect to you, of course, everybody's opinion and desire is that you should give the final decision. You are after all the person more than a custodian - but I think ....(Interruptions)

MR. SPEAKER : Why have you not been following a straight forward method ? Why this circuitous method?

SHRI INDRAJIT GUPTA : What is the straight forward method (Interruptions) Straight forward method is the No Confidence Motion. We are prepared to give that motion also. (Interruptions)

MR. SPEAKER : I am not saying this thing. Otherwise, you will say that I have induced you to do it.

...(Interruptions)

SHRI SOMNATH CHATTERJEE : That will be the recent occurrence....(Interruptions)

SHRI INDRAJIT GUPTA : The motion after all wants this. (Interruptions) That has to be referred to the Committee of Privileges. It does not say that you should immediately hang so and so or shoot so and so or put so and so behind the bars. We cannot do that also. It is only asking for the reference of this matter to the Committee of Privileges for a proper, thorough and comprehensive enquiry and reporting back to the House. I strongly feel that this should be done so that the air is clear. The air must be clear. There is too much fog and muck going around. Nobody knows. It is heavily polluted. This pollution has to be cleared at the beginning in our life, and a very important issue has come up.

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI RAJESH PILOT) : Is it policial pollution or enviromental pollution?

SHRI INDRAJIT GUPTA : It is a political pollution. I think., you will agree that there is heavy political pollution going on in the country. Let this House say to the country and to the world that we have taken cognizance of this political pollution which is affecting all of us, we are determined not to start a process of purification; of

cleansing the air and of clearly identifying who is who and what is what. Therefore, we have decided that this matter should be referred to the Committee of Privileges.

SHRI UMRAO SINGH : Sir, I would like to react to some of the observations which have been made earlier in response to the notices given by the hon. Members.

Rule 224 says that the matter should be recent occurrence. There is a reason behind including this Rule. It is because for dealing with such occasions, there are other provisions in the Rules of Procedure which the Opposition can take recourse to. So, to take shelter under this Rule by bringing in a Privilege Motion on a matter which is not of recent origin is not proper on the part of Shri Arjun Singh.

We have two Notices before us viz., Notice under Rule 184 and Notice under Rule 222. You go through the substance of both the Notices under Rule 184 it says:

"That this House do express its dissatisfaction at the Government's failure to answer charges relating to the 'Havala Case ' and to allegations about illegal pay-offs to some Members of Parliament."

Now, this is the substance of one Notice which is being discussed under two Motions now viz., Privilege Motion and Rule 184. According to the Rule, one subject cannot be discussed in two Motions. Rule 186 (v) clearly establishes that "it shall not raise a question of privilege". If this matter is accepted under Rule 186 (v), it cannot be again accepted under Rule 222 which is meant for privilege matters. So, Sir, it is contradictory to Rule 186 (v) which is obligatory and also binding on us. So, according to me, this Privilege Motion is not maintainable because a part of it has already been covered under Rule 186 (v).

Now, I would like to say about 'assurance'. (Interruptions)

MR. SPEAKER : You have made this point. Your intervention was really very-very scintillating.

SHRI UMRAO SINGH : I will not talk about 'assurance'. It is because I have already said that if an assurance is permitted under the Rule and remedy is also provided, if that assurance is not fulfilled, then, there is a way out.

Now, I would like to raise here about impropriety. Now, a matter has been raised about a statement which was made in this House by the Prime Minister in 1993. Shri Arjun Singh was there. He was a member of the Council of Ministers. Article 75 (3) of the Constitution says:

"The Council of Ministers shall be collectively responsible to the House of the people."

He was a person who was collectively responsible for a statement made in 1993. He was also a member of the Cabinet then. Now, he is coming forward, by leaving his Party, and raising an issue in which he was involved. I would have been happy if he had given a notice against himself for raising this matter.

It is because he cannot be absolved from this possibility. For whatever statement given by a Minister,

according to the Constitution, according to the rules, the whole Government – whether it is Prime Minister or State Minister – is binding. Any statement given by a Minister is applicable to every Minister. And Shri Arjun Singh was also under that ....(Interruptions)

SHRI RAM NAIK : Was it a Cabinet decision?

SHRI UMRAO SINGH : It was not a Cabinet decision. For any statement made by a Minister, the whole Cabinet is responsible. That is what I said. Shri Arjun Singh was party to that and he cannot absolve himself.....(Interruptions)

SHRI HARIN PATHAK : He was not doing the deal at that point of time ....(Interruptions)

SHRI UMRAO SINGH : He was a Member of the Cabinet at that point of time.

Sir, it is a matter of impropriety. It is a matter of immorality. It is unconstitution, unheard of in the annals of the country that a member of the Cabinet, after resigning, disowning the work done by the Government when he was a member of the Government, has given this notice. Sir, this is absolutely ....(Interruptions)

SHRI ARJUN SINGH : Sir, I would like to make a point after he finishes his speech.

SHRI UMRAO SINGH : Sir, this notice is not maintainable. It cannot be accepted as a valid notice and, I think, this should be rejected.

SHRI ARJUN SINGH : Sir, I did not even imagine that the whole matter will come to this level. I could expect sense of outrage born out of indignation, born out of concern and that sense of outrage is not forthcoming either from the leader of the House or anybody who can speak on behalf of this Government ....(Interruptions)

SHRI HARI KISHORE SINGH (Sheohar) : Who is the leader of this House ? Where is he ? ....(Interruptions)

SHRI ARJUN SINGH : We do not know.

So far as the direct insinuation being made by the hon. Member is concerned, I will only like to correct the factual position as it was. May be in the heat of the moment he is not aware of it. These are not decisions taken by the Cabinet. that is number one. Number two, the record of that period, public record and not private, will bear out the fact that I had protested against this whole attitude, this whole approach. I had even gone to the extent of saying that such a thing should not be done without reference and consultation in the Congress Working Committee. It is all part of the public record. Now what else could I do ?

SHRI SHARAD DIGHE (Bombay North Central) : Mr. Speaker, Sir, it is not surprising that all the Opposition parties have joined together in supporting this breach of privilege motion on the eve of elections. So, the real motive is to malign the Prime Minister and the Congress Party by raising this issue in such a manner that the corruption charge is still further made against this Party and the

Leader. Now, Sir, finding that this motion is not fitting in the rules, all the leaders are now saying that keep the rules there. ....(Interruptions)

SHRI SOMNATH CHATTERJEE : I never said that.

SHRI SHARAD DIGHE : They are saying that this a larger issue and so, have a larger interpretation everywhere and somehow or the other support or pass this Motion.

Sir, now I humbly submit that the breach of privilege proceedings are criminal proceedings. Why do I say because when it is like a criminal proceedings, all rules have to be very strictly followed ....(Interruptions)

SHRI SOMNATH CHATTERJEE : Quasi ....(Interruptions)

SHRI SHARAD DIGHE : What quasi, it is a criminal proceeding because you send the person to jail, you are a Court in that case.

You are a criminal Court and if he is found to have committed a breach of privilege, then he goes to jail. Therefore, my humble submission is that always this approach is there. As far as breach of privilege is concerned, all the rules must be strictly followed. If there is something which gives defence to that person, it ought to be given. Now, therefore, from that angle, only three points are being discussed which are as follows :

The first one is whether these are of recent occurrences. Now on that point, the explanation is, though this matter has taken place in 1993, they have come to know now, and the evidence is available now. So we are mixing up with getting evidence and the occurrence itself. The alleged event has occurred, according to them, in 1993, i.e., paying money or having some improper influence for voting. Now if this has taken place in 1993, may be that you have come to know now or you have got some sound proof now. That does not mean that you can raise it after three years and then say this is this.

SOME HON. MEMBERS : What about time bar ?

[Translation]

SHRI SOMNATH CHATTERJEE : There is no time limit in case of criminal proceedings.

[English]

SHRI SHARAD DIGHE : That is what I said, when it is a criminal proceedings, everyday counts.

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada) : It is for all time to come.

SHRI RAM NAIK : Can you yield a minute ?

[Translation]

Will you not initiate criminal proceedings against a person who has committed a murder three years ago which came to light today only.



[English]

SHRI SHARAD DIGHE : At page 263 of Kaul & Shakhdher, which was already referred to, it is said that even a delay of one day might be fatal.

SHRI RAM NAIK : Our leaders will come to that.

SHRI SHARAD DIGHE : Even if there is a delay of one day, then the Speaker can always say, I will not give my consent at all. Now what a Speaker can do, this House can also do. Therefore, from that point of view, we cannot liberally construe whether this is of recent occurrence or not. Therefore, what I said, on that ground itself, this breach of Privilege Motion does not survive at all because it has been brought after three years altogether.

SOME HON. MEMBERS : It is a very good argument.

SHRI SHARAD DIGHE : If it is a good argument, please follow it and vote accordingly.

SHRI RAM NAIK : You just yield a minute. (Interruptions)

[Translation]

Mr. Speaker, Sir, it will not do. They interrupted as and when they chose during the speeches delivered by the Members of our party and now they are not prepared to listen to us.

SHRI SHARAD DIGHE : Now there are two parts of the allegations, namely bringing improper influence and paying money. Now as far as improper influence is concerned, Mr. Jaswant Singh is very much relying upon May's Parliamentary Practice. Even considering those observations, what I say, is to call for the Members of this House and say that your political demand will be met by this Government. It is, according to me, not improper influence at all.

SHRI SOMNATH CHATTERJEE : Let the Prime Minister say that.

SHRI SHARAD DIGHE : If that is so, in democracy, no Government can function. I will ask you one thing. In Maharashtra, you have got the support of several independent MLAs. Have you not promised them certain .... (Interruptions)

SHRI RAM NAIK : Should I reply ? First you must realize that even in criminal proceedings, if a crime is detected after the lapse of eight years or 10 years, there is no bar. So your argument does not stand. So far as Maharashtra Government is concerned, those who have been elected as independents, have supported the Government and they were not given anything in return.

SHRI HARIN PATHAK : If you have any proof, why do you not move Privilege Motion against them ?

SHRI SHARAD DIGHE : Have you not said that your representative will be taken in the Ministry ? Have you not given Chairmanships of certain Corporations?

So, these are political things.

SHRI RAM NAIK : There is no *quid pro quo* like what you say.

SHRI SHARAD DIGHE : Support itself is on condition that you will be give this and this. Apart from that, I will merely say that this is a moral matter, "We shall give Jharkhand Development council" is not at all an improper thing at all. Any time the Prime Minister can say that "Your party has got this demand, all right, my Government will concede those demands, and what is wrong as far as political functioning of democracy is concerned? In every Government, every Government these days, because they have to gather the support and for that purpose you do not promise personal things but if you accept the policy, if you accept the demand based on certain policy, then there is nothing wrong or 'improper'. Therefore, it does not fall under the breach of privilege.

Then I would further submit that the main criteria is whether there is a *prima facie* case because I do not say that there is a bar in criminal matters. What I was driving was that when it is a criminal matter rules have to be very strictly followed and if there is any specific rules you cannot ignore it, and you cannot enlarge it, you cannot interpret it improperly. That was my argument. That is an elementary principle of criminal jurisdiction. Now, therefore, the question is whenever we decide whether this breach of privilege should be allowed to be raised in the House, the main question is whether there is a *prima facie* case because that is a test always applied by the Presiding Officers. Now that is left to us now by our Honourable Speaker.

MR. SPEAKER : Now what kind of evidence is required to hold that there is a *prima facie* case? Are there any decisions given by the Supreme Court ? I have understood that the evidence is sufficient to establish the case, if it is un rebutted.

SHRI SHARAD DIGHE : Yes, That is always the principle laid down that wherever such *prima facie* case is laid down means the evidence which is produced is itself un rebutted though there is some case for proceeding further. Now, in this case what has happened ? In this case those parties as Members of this House have denied. You may say that this happened, this happened. Does not matter. The fact remains that in this very House, in this very House, we make very responsible statements because if one makes a false statement in this House then he can be held responsible for breach of privilege. Therefore, Members when they make statements in this House they are very responsibly made. When these four Members have on the floor of this House denied this receiving monies, when the Prime Minister has denied receiving money, then, where is the *prima facie* case? If the persons concerned have denied on the floor of the House, mere allegation will not allow us to proceed further as far as *prima facie* case is concerned.

Therefore, these two grounds that these are not recent occurrences at all and there is not *prima facie* case to proceed in this matter, may not be allowed to raise in this House and no permission should be granted by this House on this.



SHRI MANI SHANKAR AIYAR : When the hon. Shri Arjun Singh presented his motion it appeared as if the focus of this Motion was on what he has chosen to describe on the floor of the House as transactions of a pecuniary nature. But during the course of this debate the focus appears to have shifted somewhat from transactions of a pecuniary nature, to what has been described in his Motion as 'improper means' which has been further elaborated by Shri Jaswant Singh to include the word 'inducement' and more specifically the expression deal.

I would, therefore, wish to take up the second of the components initially and then come back to the first of the components.

As regards the second component of improper means, inducement or a deal, the first point that I would like to make is that this is not the first time that such an allegation is being made on the floor of this House. Indeed, I have with me the English version of the proceedings of this House on the 28th of July, 1993 and when I turn to column 597, I find that the then Leader of the Opposition - gentleman whom we sorely miss just now\*.. Shri Lal Krishna Advani had specifically alleged that there was a deal that had been made with regard to the Jharkhand Mukti Morcha .... (Interruptions).

MR. SPEAKER : Some of the words will not go on record. I shall just go through the record.

SHRI MANI SHANKAR AIYAR : The English version says : "We would not make a deal for this No-Confidence Motion, other may do so". This was the charge made by Shri Lal Krishna Advani on the floor of the House and immediately the Prime Minister, Shri P.V. Narasimha Rao - we have the same Leader of the House today as we had then, even if we do not have the same Leader of the Opposition as we had then - said : "Nobody is going to make a deal". In other words, on the floor of this House, this allegation of a deal had been made on the 28th of July, 1993 and it had been rebutted on the floor of this House on exactly the same day. If Shri Arjun Singh had believed in July, 1993 that the allegation by Shri Lal Krishna Advani was valid and that the rebuttal made by the Prime Minister was invalid, then I would have hoped that he would have had the moral courage on the 29th of July, 1993 to resign from the Council of Ministers and bring before this House the Breach of Privilege Motion, which has taken him three years to bring here. In any case, the record of the proceedings of this House on the 28th day of July, 1993, that we have here, does not substantiate any allegation of a secret deal.

I refer here to the statement made by Shri Suraj Mandal in this House on the 28th of July, which is reported from columns 573 to 575 . In this, I wish to draw attention to the following remarks. Shri Suraj Mandal said :

"We have only one national problem and that is Jharkhand...."

He then went on to say and I would request every Member of this House to listen very carefully to the words of Shri Suraj Mandal.

He said this here, in this House, on the 28th of July, 1993. He further said :

"If the hon. Prime Minister assures us in the House today that Jharkhand will be given the status of a State, Union Territory or Autonomous District Council, we shall directly vote in his favour. If you do not say so in your speech, we will oppose you."

I... made it completely clear on the floor of the House, there was no secret to this that the support that he was going to extend to the Government was contingent upon the hon. Prime Minister giving an assurance. (a) on the floor of the House and (b) on that same day itself, that either the status of a State, Union Territory or Autonomous District council would be given to Jharkhand. He then went on to conclude by saying, and I quote once more :

"The Jharkhand issue is very important today, and, therefore, the hon. Prime Minister should assure us that the Jharkhand problem will be solved. Then we are ready to directly support him."

He made the deal completely clear on the floor of the House that it is only if the Prime Minister either gives them an Autonomous District Council or Union Territory status or a State, that they would support the Government in that No-Confidence Motion. In the event, there was no such assurance given by the Prime Minister on the floor of the House. Despite the fact that Shri Suraj Mandal had made his support to our Government conditional, the Prime Minister refused on the floor of this House to meet these conditions.

I wish to quote from column 594 of the Proceedings of that day's debate where the Prime Minister Shri P.V. Narasimha Rao says :

"There are just three or four matters, very short points I have to make and I have done."

At this time, there were interruptions. So, there is no recording. Our friend from Jharkhand said and then he continues :

"This is one of those local aspirations with which the Indian polity has to contend. This is not a new thing."

Please note 'this is not a new thing' that cropped up on 28th July, 1993. "We had agitations everywhere. We had these matters coming up even taking a few lives and then getting settled. A lot of economic distress had taken place because of these agitations." Here Sharad Yadav interrupted him and said, "Please speak about Uttaranchal also." There were further interruptions and Shri P.V. Narasimha Rao continued as follows :

"Since the matter has been raised, I am only responding to it."

In other words, P.V. Narasimha Raoji was responding to the matter having been raised by Suraj Mandalji on the floor of this House and said :

"We had the Bodoland problem, we solved it. We had the Karbi-Anglong problem in Assam, we solved it. In Darjeeling, we had a problem, we solved it."

\*Expunged as ordered by the Chair.

"So, there is no point, said the Prime Minister" in pushing it under the carpet. This is not going to be good. Sir, we have taken certain steps. They have not yet fructified. I know they have not fructified for various reasons. When it is said that both the parties the Leader of the Opposition in Bihar and the Chief Minister of Bihar are hand in glove against the demand, it can be easily summarised that these matters cut across party lines. That is precisely the reason why the Central Government has to be extra careful in dealing with these matters so that by our own haste, we do not add to the problem. He refused to give the assurance that Shri Suraj Mandal had sought. What is very significant is that after Prime Minister Narasimha Raoji speaks on these matters on the floor of the House, Shri Suraj Mandal gets up to interrupt him and in column 596 of the proceedings, it is recorded that Shri Suraj Mandal said, "Today, the Bihar Government has rejected the Bill". That is the Bill that the Prime Minister had referred to "The Chief Minister has also refused, what is the Government going to do after that ? Please tell us. And the Prime Minister refused to tell him. I do not understand where is the deal. There is, apparently, a conversation with regard to this matter that took place in 7, Race Course Road or somewhere else. Thereafter, Suraj Mandal comes into this House in the course of the No-confidence debate, makes it abundantly clear that any support to the Government will be for the coming only on the condition that the Prime Minister responds positively to the demands of the Jharkhand Mukti Morcha, and the Prime Minister, whose Government's survival is at stake, refuses, at this moment of crisis, to hold out any kind of assurance to Shri Suraj Mandal. He is repeatedly asked to do so. He is even accused of having made a deal. He not only says that he has made no deal but makes it abundantly clear on the floor of the House on the very eve of the voting that even if there are rumours of deals in the air, as far as he is concerned, there is no deal and therefore, there it no response given to Shri Suraj Mandal. It is a different matter that despite not receiving this assurance, Shri Suraj Mandal and his colleagues voted against the No-Confidence Motion. That is a matter which will have to be addressed to Shri Suraj Mandal himself.

SHRI HARIN PATHAK : The other assurances were fulfilled in the bank. ....(Interruptions)

SHRI MANI SHANKAR AIYAR : But by inferring through a careful reading of Shri Suraj Madal's 'interventions' and not intervention in the No-Confidence Motion, we can easily see the reason, why despite the assurance not being held out, he refused to support the Opposition in that regard because he makes it clear through his speeches that he has no trust left, whatsoever, in those with whom he had joined to be returned to this Parliament.

He said that assurances had been held out to him by the Janata Dal and by the Chief Minister of Janata Dal in Bihar, Shri Laloo Prasad Yadav, that the demands of the Jharkhand Mukti Morcha would be met and it is because of deep disappointment, very deep disappointment at the

behaviour of his own party partners, and the Chief Minister of that State that Shri Suraj Mandal and his colleagues decided that they had quite enough of the National Front, quite enough of the Janata Dal and if any body was in a position to be able to meet their demands, it would be the Treasury Benches of the Congress who had solved similar problems that were around the country where they had arisen. They were all mentioned by the Prime Minister in his own intervention

After the record is clearly before us for three years that there was an allegation of a deal, that that allegation was rebutted and after the rebutting of that, there was clear proof that there was no trust left on the part of one component of the National Front in the National Front, it was at that time that the matter was of recent occurrence and any kind of breach of privilege could have been brought against the Government. But that had not happened. They waited for three years. The whole allegation about inducements and deals is something that is an after thought, because what really provoked Shri Arjun Singh's Motion of the 27th of February, 1996 was the transactions of a pecuniary nature to which he referred in his intervention.

But before I get there, Sir, I think it is my bounden duty to remind the House of what we are talking about. We are not talking about this moral high horse on which Shri Indrajit Gupta has been riding for the last 30 years in this House. We are talking about a breach of privilege. What is privilege ? According to Kaul the Shakhder - I refer here to page 193 for there is a definition of what is involved in the principle of privileges of Parliament - it is as follows :

"The general principle is that the privileges of Parliament are granted to Members in order that they may be able to perform their duties in Parliament without let or hindrance."

Now, Sir, the Leader of the Jharkhand Mukti Morcha, who says that there is only one national problem as far as the Jharkhand Mukti Morcha is concerned which is a State status or a Union Territory status or at least an Autonomous Development Council for Jharkhand, comes into this House and, without let or hindrance, demands of the Government that his demands be conceded, otherwise there will be no support. Who can claim that in these circumstances there was anybody preventing him from exercising his functions as an elected Member of Parliament ? There was no let and there was no hindrance. If there is no let and there is no hindrance, even before we begin to take up the substantive issues mentioned by Shri Arjun Singh, it is necessary for those who support this Motion to establish that in terms of the definition of privilege given at page 193 of Kaul and Shakhder's book there has been any kind of let or hindrance placed in the way of the Member functioning as a Member of Parliament.

Then, Sir, the other point to which, I think, the Movers of the Motion and their supporters need to address themselves, is, what is the definition of improper means. That is the expression that hon. Shri Arjun Singh has used in his

Motion. I find that the question of improper means has been dealt with in extenso by Kaul and Shakhder on pages 254 and 255 of the Practice and Procedure of Parliament. The title of the section is "attempts by improper means to influence Members in their Parliamentary conduct." It is clear that the reference to improper means in Shri Arjun Singh's Motion is the same as the reference in Kaul and Shakhder's book at the heading of the section on page 254.

This section at Page 254 is sub-divided into two sections as 'Improper means' might refer (a) to bribery. That is clear here that bribery is improper means.

AN HON. MEMBER : There is no (a).

SHRI MANI SHANKAR AIYAR : No, no, if you look at it visually it is clear from that 'Attempts by Improper Means' is a central heading and Bribery is on the left hand side and the next item is Intimidation of a Member.

Sir, here 'improper means' has been carefully defined to include two types of actions. One is bribery and the other is intimidation. Now, there is no allegation as far as I know that Shri Suraj Mandal was intimidated into voting with the Government, although I fear that Shri Mahato was probably intimidated to make the statement that he made outside this House. But we are not going to deal here with the question of intimidation. What we are going to be dealing with - if at all we are going to deal with it is the question of bribery. The question of bribery is closely linked to the component of transactions of pecuniary nature which Shri Arjun Singh has referred to. But I would like to come to that. In that connection here I would only like to say that there is no indication in Kaul and Shakhder that trying to secure your open political demands by withholding or granting support to the Government constitutes improper means. If this were so there is no reason why Kaul and Shakhder should not have added a third sub-section to this in addition to bribery and intimidation of Members. Consequently, the only interpretation we can give to the expression 'improper means' used by Shri Arjun Singh, the one that Shri Jaswant Singh has rather cleverly tried to do by claiming that improper means includes inducements and deals. Kaul and Shakhder do not agree with Shri Jaswant Singh. There is no reference to either inducement or to deals in Kaul and Shakhder. Indeed there is no suggestion whatsoever that a political party cannot pursue its political aim. And the political aims of JMM are widely known fact. There is simply no dispute about that.

Thirdly, on the question of bribery I wish to draw the attention of the House to page 258 of Kaul and Shakhder where it is stated that :

"If a statement is made on the floor of the House by a Member or a Minister which another Member believes to be untrue, incomplete or incorrect, it does not constitute the breach of privilege."

Now, it is clear here that Shri Arjun Singh and his supporters do not believe what Shri Suraj Mandal has stated on the floor of the House. They are welcome not to believe it. But even if he believes, even if Shri Arjun Singh believes that what Shri Suraj Mandal has stated on the floor of the House is incomplete or untrue or incorrect, I am

afraid, there is no case made out for admitting a Motion on Breach of Privilege. Kaul and Shakhder in the same paragraph say that :

"A breach of privilege can arise only when the Member or the Minister makes a false statement or an incorrect statement wilfully, deliberately and knowingly."

Now, it was for Shri Arjun Singh not to duck the question of transactions of pecuniary nature by saying, 'let us investigate it'. He was obliged by Kaul and Shakhder to establish on the floor of the House that what he believes to be an incorrect statement of Shri Suraj Mandal was (a) wilfully incorrect, (b) deliberately incorrect; and (c) knowingly incorrect.

On all three counts, I am afraid, Shri Arjun Singh's oratory has failed. We have no evidence from him whatsoever as to whether Shri Suraj Mandal's statement on the floor of this House on 28th February constitutes a wilful, deliberate and knowing attempt to mislead the House. I have every reason to believe that wilfully, deliberately and knowingly, Shri Suraj Mandal acquainted us with the truth. That is my belief. Shri Arjun Singh's belief is different. He thinks that it has been done wilfully, deliberately and knowingly. But it is not enough for him to think so. He has to establish this in this House for a *prima facie* case to be made out. Now, Sir, you very correctly pointed out that the Supreme Court has held that a *prima facie* case is made out if facts that have been stated are not rebutted in a convincing manner. Here we have, Sir, allegations that are certainly not new, allegations about this so-called deal were made in this House on 28th July, 1993. They have been widely reported about in the Press since then. They were picked up in a major way by the Bharatiya Janata Party and its new recruit, Shri Mahato, suddenly in the middle of February. They were brought to the attention of this House. They are being debated under Rule 184. In fact, so pressing is this upon our minds that one did not know whether Shri Indrajit Gupta was speaking on that Motion because he was explaining his position on that Motion. To this extent, all of us are aware that the issue has been in the air for the last three years and consistently, over the last three years, it has been rebutted, and most dramatically in the recent past. As on the date on which Shri Arjun Singh presented his Motion, he thought that he had the statement of Mahato which could be confirmed by a statement made by Shri Mahato on the floor of this House. Unfortunately for him, the world has changed, and Shri Mahto came to us and told us, in effect, that he was intimidated into making that statement outside the floor of this House. Now on the floor of this House, both Shri Mahto and Shri Mandal have made it abundantly clear that they did not receive any money from the Prime Minister and they have complained that the deal which they thought they had made was not, in fact, a deal, it was never done. Indeed, Sir, the irony of the situation is that before Shri Suraj Mandal spoke, I was asked to speak on the Motion under Rule 184 that Shri Atal Bihari Vajpayee had moved. In that speech, it was I who complained, taking advantage of the Prime Minister's presence, that the demands of the JMM are just, please implement them. It is

I who am asking that the demands be implemented because I believe that the demands of the JMM are just. Now, it may be that the Government of India does not believe them to be just, but how can you possibly say, three years after the Prime minister fails to give the assurance and three years of non-implementation of any assurance that might or might not have been secretly given, that there was deal ? There is no basis for suggesting that there was deal.

As regards the transactions of a pecuniary nature that Shri Arjun Singh referred to, he has quite correct in saying that those allegations are under investigation by two separate agencies. As the hon. Member, Shri Arjun Singh, pointed out, these allegations are being investigated by an agency at the instructions of the Supreme Court itself. Therefore, there is no question of nobody investigating those allegations. Secondly, as the hon. Member, Shri Arjun Singh, himself pointed out, the Income-Tax Department on the instructions of our hon. Minister of Finance is doing its job of investigating these allegations. Therefore, there can be no grounds at all for believing that either the investigations are not being done or that the Government is in any way trying to prevent these investigation from taking place. In any case, the Supreme Court is seized of this matter. When the Supreme Court is seized of the matter, I agree, Kaul and Shakdher make it completely clear at page 948, that the rule of *sub judice* does not apply. I accept that it is open to this House to discuss this matter because the rule of *sub judice* does not apply. But even if the rule of *sub judice* does not apply, the fact of *sub judice* cannot be ignored. The matter is *sub judice* even if the rule of *sub judice* does not apply. What does *sub-judice* mean ? Sir, one of your hon. predecessors, in a ruling made on 9th May, 1968, which is quoted at page 947 of Kaul and Shakdher has said and I quote :

"The test of *sub judice* in my opinion should be that the matter sought to be raised in the House is substantially identical with the one on which a court of law has to adjudicate."

There is a clear definition given by the Chair of what is *sub judice*. This test is entirely met in this case. What Shri Arjun Singh seeks is an investigation by appropriate authorities into the allegation of transactions of a pecuniary nature. It is precisely such an investigation that is being undertaken both by the judiciary and the executive - the judiciary, in the investigation ordered by the Supreme Court; the executive, in the investigation now being conducted by the Income-Tax Department.

In the light of this, we have to direct our attention to sub-paragraph (iii) of Rule 224. Sub-paragraph (iii) of Rule 224 says that the Breach of Privilege can be admitted if the matter requires the intervention of the House.

Now I ask you in all fairness if the Supreme Court is investigating this same matter, that is, the judiciary is investigating the same matter and the executive is investigating the same matter, then where does the need arise for this House to conduct a third investigation of exactly the same matter. If the judiciary had not been active if we had been in a period of judicial in activism, if the executive had

been attempting to block an investigation, then I would appreciate Shri Arjun Singh's coming to this House and saying, "We cannot trust the judiciary. We cannot trust the executive. The House itself must conduct its own investigation." But that is not in accord with the facts of the matter. The courts are already seized of this issue. The executive is already seized of this issue. There is no investigation which this House can conduct into this matter without the assistance of the CBI which is acting on the instructions of the Supreme Court and the Income-tax Department which is acting on the instructions of the Government of India. We cannot ourselves conduct an investigation into this matter, who said this ? It was Shri Arjun Singh himself who said it. He said "I can produce documents that some money was deposited in somebody's account. But I cannot investigate. I cannot tell you where the money came from, why it come and for what purposes it was spent." He is absolutely right. For doing all this, we will need both the CBI and the Income-tax Department. Both these organisations are too busy serving the judiciary and serving the executive to need to be over burdened by the House also, asking the same two agencies to undertake for themselves, the investigations which they are, in any case, undertaking for such highly distinguished Bodies as the Supreme Court of India and even, if I may say so, the Government of India.

In these circumstances, I can see no ground having been made out through the whole of this very long day for admitting the motion that Shri Arjun Singh has brought before this House. This is a matter that Shri Arjun Singh should, if he wanted, have brought before this House at a time when several of the colleagues who supported him at Suraj Kund had been suspended from the party. But he chose to continue to remain a part of the Government then. When the Babri Masjid was knocked down, he chose to remain inside the Government. At a time when a thought that may be the Madhya Pradesh result of the State Assembly elections will be different, he chose to remain inside the Government.

I submit that there is a *mala fide* political intent to the motion that has been brought before this house. Shri Arjun Singh was aware of all the allegations that were being made in July, 1993. If he had been a man of courage and integrity, as I believe him still to be despite the evidence to the contrary, he should have immediately resigned. He should have resigned in December, 1992. If he had he would then have been a chapter in history instead of being a footnote in history.

He did not do it then. He did not do it at Suraj Kund when everybody who supported him was suspended from our Party. He did not do it here on the floor of this House when allegations were made that the Prime Minister was involved in transactions of a pecuniary nature involving inducements and deals. Now at this late stage in the game, when he discovers that he has nobody to support him, when he discovers that he is a lonely bubble in the sea of politics, now when he has discovered that history has relegated him to total obscurity and the dustbin, he chooses to make one last stand by bringing this Motion before this House:



I suggest that we reject it as an improper abuse of the purposes for which the rules of privilege have been advised by this House.

SHRI INDERJIT (Darjeeling) Mr. Speaker, Sir, much has been said already and I would like to make a very short point which, in my view, goes to the heart of the matter.

I am really provoked to make my brief intervention because lot of words have been bandied about today. We have heard about political benefits, about political understanding, improper means, improper influence, political influence and even political bribery. I venture to submit that political deals are an integral and an essential part of our polity, of political functioning

As you know, democracy provides for a civilised form of Government based on discussion, debate and consensus. Often enough, consensus is based on deals which are made either on the floor of the House or behind the walls of various lobbies

17.00 hrs.

What has happened is that the Prime Minister has already clarified that in this particular case no deal was struck. But, Sir, one thing remains that, as I said, most of the political deals are a part of our system. Let us be clear that every coalition is based on political details. The Janata Government of 1977 was based on political deals. The V.P. Singh Government of 1989 was based on political deals. The Chandra Shakhder's Government subsequently was based on political deals. So, Sir, political deals are a part and parcel of our system ... (Interruptions) I would like to point out that even here we have had political understanding. I give a specific case. Since I do not wish to take too much time of the House, I would briefly mention that when we were discussing the 73rd Constitution (Amendment) Bill, the question of Darjeeling came up. I have had something to do with Darjeeling and today also as its representative in this House. Darjeeling was originally intended to be excluded from the purview of this bill. There were to be no Panchayats in Darjeeling according to an understanding reached between Shri Rajiv Gandhi and the GNLF. Subsequently, Prime Minister Narasimha Rao also agreed to this. The Bill which was brought before this House made it abundantly clear that there were to be no Panchayats there at all. Subsequently, we had the Joint Select Committee. That Committee also agreed that there was no scope for any Panchayats in Darjeeling Gorkha Hill Council Area because we had 28 Councillors and there was no scope for it. But, Sir, when the matter came up for discussion, I am sure you would remember it very well that Shri Somnath Chatterjee came up and he said that he was going to move, contrary to some understanding an amendment that Darjeeling must be included in it. The discussion was interrupted and subsequently there was some understanding behind the scenes.

What was the understanding? The understanding was that the 73rd Constitution (Amendment) Bill must not be stymied for the sake of one district. The Prime Minister sent for me and said: "We are willing to do anything to

protect the interest of the Darjeeling Gorkha Hill Council." Shri Somnath Chatterjee and some of us including my good friend Shri Mani Shankar Aiyar, sat together and came up with an agreed formula. This formula provided that the Darjeeling Hill Areas could have Panchayats. But as amendment to the Acts would ensure that nothing in the Act would be construed to affect either the powers or the functions of the Darjeeling Gorkha Hill Council. Why do I speak about this at such length? Because, it was a clear case of a political understanding. Political understanding is a part of our political system. I just do not understand all that is being talked about here. We must understand that in the case of the Jharkhand Mukti Morcha, as I said, the Prime Minister made it abundantly clear, as brilliantly quoted by my friend Shri Mani Shankar Aiyar, on that day following an intervention by Shri Advani, that there was no deal here at all. But so far as the Jharkhand Mukti Morcha is concerned, I know for a fact that my friend Shri Suraj Mandal as well the other friends were fairly in close contact with me in regard to this matter. Time and again, they were waiting to know how the Darjeeling Gorkha Hill Council experiment was working as an Autonomous Council. I did tell them about the problems that we were facing I was fairly in close touch with them. They were also in close touch with me in regard to what could be done about the Jharkhand Mukti Morcha demand. I had told them from the word go that the Darjeeling model provided a practical solution however, a few amendments would have to be made.

Sir, I remember times out of number where he sought my help and on a few occasions I did get up on the floor of the House to press for an Autonomous Council for the Jharkhand area. I remember also that when the No-Confidence Motion was coming up for discussion he told me that they were trying to raise the matter with the Prime Minister. I must in all honesty and candidly say that I did tell him as a friend: "Here is your chance. You must press for an early decision because the matter had been hanging fire for a long time." Therefore, Sir, I venture to submit that there was nothing improper about the discussion which Shri Buta Singh had arranged when he took along these Jharkhand friends to the Prime Minister, there was nothing improper about it at all. It was perfectly a part of the political process. Therefore, to condemn this as being something of an inducement, to condemn it as being improper, using improper means or influencing some of these friends in the wrong way is out of court.

Sir, I do not wish to take more time. As I said, I want to be very brief. My brief plea to this House is: Please understand that we are a political body. We are not a judicial body. As a political body, it is all a matter of political understanding. Political deals are an inherent and integral part of the system. You cannot live without them.

We already see on the horizon on the eve of the general elections, new efforts being made at striking political deals in different States. So let us not put up our noses and say that these political deals are wrong. They are an integral part of our system and we have to learn to live with them.

SHRI NIRMAL KANTI CHATTERJEE : Since it is the erudite intervention, therefore, I want to draw his attention to the four lines on page 129 from the May's Parliamentary Practice. It says:

"Conduct not amounting to a direct attempt to influence a Member in the discharge of his duties, but having a tendency to impair his independence in the future performance of his duty, will also be treated as a breach of privilege."

Then the Speaker's ruling is as follow :

"That a letter sent by a Parliamentary Agent to a Member informing him that the Promoters of a Private Bill would agree to certain amendments on condition that he and other Members associated with him would refrain from further opposition to the Bill constituted a *prima facie* breach of privilege."

MR. SPEAKER : No rebuttal please You have made the point.

....(Interruptions)

SHRI INDER JIT : It is just one little point which I forgot to mention. For the last 17 years Shri Nirmal Chatterjee and his party have been ruling Bengal. The Left Front is also a result of the political deal, continuing political deal.

SHRI ARJUN SINGH : Hon. Speaker, Sir, I think, in the beginning, I would like to say that perhaps what the hon. Member Shri Aiyar who has just spoken has said is that I seen to have wasted the time of the House. That is number one. There is a *mala fide* intention behind it...

AN HON. MEMBER : Definitely ....(Interruptions)

SHRI ARJUN SINGH : I am just coming one to one. Please have some patience. There is a *mala fide* intention behind this. And the political history which he has traced wants to suggest that I am answerable at the bar of this House for the temerity or the crime of having brought this Motion before this House. I know all such attempts which do not fit in into a smug understanding of the forces of history and into the smug understanding of the motives that go behind so many actions would be hurting. I did not want to hurt you Mr. Aiyar neither did I want to hurt any other hon. Member of this House. The venom which you have chosen to spew is entirely your discretion. I will not match you. That is not my purpose. My point in bringing this to the notice of this House was that here was an instance where irrefutable evidence has surfaced in the inter-session period about certain amounts having been deposited in the accounts of certain Members who had a role to play during the Motion of No Confidence. There is no doubt on that. Their linkages, their role at that time and the amount deposited in their accounts are irrefutable facts. Their general impression in the people was that this was done with a view to making them act in a certain manner. What the hon Leader of the Opposition said at that point of time is certainly relevant. What others said at that point is also relevant. But this information came to that knowledge of this House and to all of us only in the last fifteen, twenty days.

I could have just kept quite. Well this is one of the informations tht has come, let somebody do what he wants to do. I only brought this to the notice of the hon. Speaker that here is an allegation being made about Members regarding their alleged conduct in the House and certain amounts are being linked with these Members. I think it is necessary that a forum of this House should go into this matter and should rebut or refute or if it is true, take the appropriate action. If that is the big mistake on my part or a crime according to Mr. Aiyar, I accept both. But as a Member - may be not as eloquent as you, may be not as emphatic as you, may be not as important as you - as an ordinary Member of this House whether I am a foot note and you are the head line, time will show. I am not going into that matter at all. The point is that this was an issue which had to be brought to the notice of the Speaker and through him to the notice of this House.

It is absolutely essential according to me that this House through the metrology that it wants to divide and ultimately according to the discretion of the Speaker because I feel that he should decide on this matter. This is not a matter which is going to be decided by votes. It will be a very said day in the parliamentary history if a matter of privilege is decided on political lines which are naturally likely to emerge when you leave the decision to the House.

I think, Sir, you must apply your mind to it. I am not saying that what has been said by anybody is the final truth. I am saying that an inquiry is called for. I am saying that inquiry should be through the forum of this House. What somebody is doing outside may be correct, may be absolutely what is required by them but what is this House doing ? Are we going to wait till all the information surfaces two months late, one month late that all that we were apprehending here is now coming true as it seems to be. Is this House going to reduce itself to that level where people outside ridicule us ? I think both sincerity of purpose and also the duty cast on us demand that this House through the forum, as decided by the Speaker, should go into the whole thing and come to a conclusion and say whether this is right, wrong or absolutely without any foundation. However, impassioned may be my speech and however impassioned may be the speech of Shri Aiyar, that is not going to decide it. The decision will have to come

Sir, the fact that you should not look into it because of what has been suggested here, that is the point which I want to address in the end. There could be a slay of hand, there could be a lot of arguments, convergence of view, perhaps a machiavellian background to it but the fact is that if this House under your kind dispensation fails to address itself and fails to go into the real substance of this whole matter then I think, we shall be doing a great disservice to the parliamentary system of this country and also to all of us. After all, we are mere mortal. All of us are ordinary people. There are some few, a ery exceptional people, in this House but the majority of them are ordinary people, and I think in our interest that this thing should be absolutely found out and then the House and the country should know. Why should we wait on somebody else's



effort ? What will come out and not come out, we do not know. What is coming out is also good; what even may not come out will also be good. Are we going to wait and let others say that 'yes, it is correct that this money was paid, that it is correct that 'x' and 'y' gave that money' yes, it is correct that they deposited that money ? Do you want to hear from somebody else ? May be some hon. Members want to hear it from somebody else.

I feel that this House has the responsibility to look into it and determine whether this is right or wrong. This is the real substance of what my motion is. I entirely leave it to the hon. Speaker. What he wants to decide, we will certainly abide by it.

MR. SPEAKER : I am obliged to the Members for illuminating the points of fact and law involved in this matter to help me. I congratulate the Members from all sides for making very scientillating and good statements. The matter is before the court which may take a proper decision on the basis of evidence that may be produced before it. Three years back some allegations were voiced about the illegal payments. At that time itself the House could have been asked to look into them. On the basis of other kinds of inducements the matter could have been asked to be looked into by the House.

In view of these facts and the available evidence, I find it very difficult to give the consent

*(Interruptions)*

MR. SPEAKER : No, it is not necessary.

MR. SPEAKER : Now shall we take up the motion under Rule 184 ?

THE MINISTER OF CIVIL AVIATION AND TOURISM AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD) : Sir, the Vote on Account is on the agenda.

SHRI RAM NAIK (Bombay North) : Since the issue of breach of privilege has always precedence, we agreed to that. The issue which was being discussed on Friday must be continued now.

SHRI GHULAM NABI AZAD : Ram Naikji, you were not in the meeting. Let those who were present in the meeting speak.

SHRI RAM NAIK : It is a question of the House also.

MR. SPEAKER : Let us understand that throughout this session we have discussed only one matter. Let us understand that this is a session in which we are expected to pass the Vote on Account and other important issues. This matter was discussed in the meetings of the leaders not once, but more than once. They had very kindly agreed to see that the business is done. I am sure that they would be doing that business also because they understand the implications of the business to be done by all of us over here. If all hon. Members agree that this matter can be

taken up immediately after the financial business, the House will feel obliged because this matter has to go to the other House also. When we are discussing and considering these issues

PROF. PREM DHUMAL (Hamirpur) : Tomorrow also is there, Sir.

MR. SPEAKER : Yes, But tomorrow it has to go. We have to pass it today otherwise it cannot go tomorrow. If we are applying our minds separately and independently to each of these items on the agenda, we find it very difficult to come to a proper conclusion. So, I am pleading with you to please see that the decision should be implemented and the essential business is done.

MAJ. GEN (RETD.) BHUWAN CHANDRA KHANDURI (Garhwal) : Sir, I want to say something. If you see the agenda, the place where the motion under Rule 184 has been put now, its turn will never come.

MR. SPEAKER : We will immediately take it up and if you want I will continue with it tomorrow also.

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI : Will you not have a discussion on UP and J&K ?

MR. SPEAKER : That is exactly the point which you should have considered. I am not the only person speaking in the House

MAJ. GEN (RETD.) BHUWAN CHANDRA KHANDURI : UP, J&K Budgets are also there.

MR. SPEAKER : That is exactly the point.

*[Translation]*

SHRI RAM VILAS PASWAN (Roseria) : Mr. Speaker, Sir, there was no difference of opinion about it. On that very day, I made a suggestion in the meetings of the leaders and the Business Advisory Committee in which it was decided that Shrimati Margarete Alva might intervene on behalf of the Government if she so wishes in the discussion to be held on the motion moved by the leader of opposition. It was also decided that Vote on Account should be taken up first and thereafter this matter would be taken up. It was also decided that Vote on Account should be taken up at 12 O' Clock and discussion on it would be concluded by 4.00 P.M. and thereafter this matter could be taken up. Thus the Members will get at least four hours time to express their views on the huge budget proposals.

When the mover himself is of the opinion that he has no objection, we also agreed with him and raised no objection. It is a different matter now. Sir, yesterday the Members could not speak as there was no quorum in the House.

MR. SPEAKER : The question of quorum was raised at 7.30 P.M.

SHRI RAM VILAS PASWAN : But discussion on Private Members, Business continued upto 6.00 P.M.

MR. SPEAKER : All right, even then they got one and a half hour time for discussion.

SHRI RAM VILAS PASWAN : Mr. Speaker, Sir, I am just concluding. My only request that you should not take up Budget reighnone. You may allow the remaining leaders of the parties who have not so far spoken on the motion moved under Rule 184 and ask the Government to reply and also allow the leader of the Opposition to reply as he has a right to reply. Thereafter, the Members may be given 3-4 hours time to express their views on the budget and then get the budget passed.

Mr. Speaker, Sir, if you so desired you could have made the discussion on the Privilege Motion moved by Shri Arjun Singh concluded in an hour or so but you allowed a long debate on it only to uphold the dignity of the Parliament.

MR. SPEAKER : Well, this dignity will hardly sustain if you do not hold discussion on the Budget.

SHRI RAM VILAS PASWAN : We are committed to it, Sir. I have an apprehension that the Government intends to get this House adjourned after getting the vote on account passed.

[English]

MR. SPEAKER : Mr. Paswan, please know it.

[Translation]

Mr. Paswan, the Government can not adjourn the House. I can adjourn it.

SHRI RAM VILAS PASWAN : Mr. Speaker, Sir, the Government manage somehow as they managed to get the Rajya Sabha adjourned today.

[English]

MR. SPEAKER : I said it in the Committee. I am saying it in the House. The adjournment of the House, once it starts, is with the Speaker.

[Translation]

SHRI ATAL BIHARI VAJPAYEE (Lucknow) : Mr. Speaker, Sir, if you give us the assurance, though there is no need of any assurance on your part, but the Members is apprehensive that as the Session is coming to an end and the elections are round the corner, in such circumstances the Government may manipulate the adjournment of the House after getting the Vote-on-Account passed but you are saying that it will not happen.

MR. SPEAKER : The House will not be adjourned without completing discussion under Rule 184.

SHRI ATAL BIHARI VAJPAYEE : All right, I yield to you.

[English]

MR. SPEAKER : Let us now take up the Financial Business please.

SHRI JASWANT SINGH : May I make a submission please, Sir?

MR. SPEAKER : Yes, please.

SHRI JASWANT SINGH (Chittorgarh) : The third point is, if the Vote on Account is not cleared by our House today, it cannot go to the Rajya Sabha tomorrow and, therefore, there will be a difficulty created. This submission was made earlier also. There is no Constitutional difficulty created. A Constitutional difficulty would be created if today, instead of being the 11th March, were the 29th March or the 30th March. There are all these days of March that are pending. All that is required is for the House to sit an extra two or three days. If that decision is taken, where is the difficulty? Sir, I simply am not able to understand that instead of having ....(Interruptions)

MR. SPEAKER : Unless the Motion under Rule 184 is disposed of, I am not going to adjourn the House.

We should not deny the opportunity to the other House to discuss the issue.

....(Interruptions)

SHRI JASWANT SINGH (Chittorgarh) : Sir, that House is not sitting today. ....(Interruptions)

MR. SPEAKER : No today but tomorrow.

....(Interruptions)

SHRI JASWANT SINGH : How could you know what is going to happen? ....(Interruptions)

MR. SPEAKER : It was adjourned for the day. It is different.

....(Interruptions)

SHRI JASWANT SINGH : I do not wish to refer to the circumstances under which the other House adjourned. ....(Interruptions)

MR. SPEAKER : I will go by what you say on the floor of the House. But I am duty bound and I am feeling it very sincerely that in the Budget Session, the most important thing is the Budget which should be taken up. Very rightly the senior leaders have appreciated it, they are appreciating it and Paswanji, you also appreciated it - I should not say that you appreciated it because you know different Members have different views. I am pleading with you that let the financial business be over.

[Translation]

SHRI RAM VILAS PASWAN : But the Hawala issue should not side tracked. It is also an equally important issue and many hon. Minister's heads will roll in it.

MR. SPEAKER : We will take it up tomorrow.

[English]

You are right.

MR. SPEAKER : This will be taken up tomorrow you are right.

*(Interruptions)*

MR. SPEAKER : I will try to satisfy you Mr. Khanduri

*(Interruptions)*

MR. SPEAKER : May I put the Budget to the vote of the House?

SOME. HON. MEMBERS : Yes, Sir. ....*(Interruptions)*

MR. SPEAKER : It is Vote on Account. Vote on Account means the attempts which you have made last time and the same year is continuing.

...*(Interruptions)*

SHRI JASWANT SINGH : Sir, preceding, what has been termed as Vote on Account, there was an entirely political pre-election speech made by the hon. the Finance Minister ....*(Interruptions)*

MR. SPEAKER : You please reply to it when we discuss the President's Address. At that time you can say whatever you are saying now.

SHRI JASWANT SINGH : Sir, that is why I am pleading. The ruling party has taken this opportunity. We are deprived on both the counts. ....*(Interruptions)*

MR. SPEAKER : No. In fact we are deciding everything according to your wishes.

...*(Interruptions)*

SHRI JASWANT SINGH : Sir, I yet to find an answer from the treasury benches as to why they are fighting shy of extending the House two or three days. Then all this mess will not take place. What is the fear that has gripped them? ....*(Interruptions)*

SHRI BASUDEB ACHARIA (Bankura) : This is an Interim Budget. *(Interruptions)*

SHRI JASWANT SINGH (Chittorgarh) : Sir, now it is 5.30 p.m. Not a single word is spoken on the Vote on Account. *(Interruptions)*

SHRI BASUDEB ACHARIA : He has called it an Interim Budget. We want to discuss it. How can we pass it without any discussion? *(Interruptions)* Sir, We can sit beyond 6 p.m. *(Interruptions)*

SHRI SOMNATH CHATTERJEE (Bolpur) : Sir, I must admit what has happened in your room that beyond 12 and 4 the Vote on Account was expected to be taken up. Then Arjun Singhji's Motion took about five hours time. Sir, there is no doubt that it is Vote on Account. But it is preceded by major speech. Whether you agree or not, there is a major speech. Policy decisions have been announced. He has described it elsewhere as Interim Budget. I would like to respectfully submit that you may allow one Member from each party.

MR. SPEAKER : Okay, I agree

SHRI SOMNATH CHATTERJEE : He talked of friendly 'hand'. He should not have mentioned all those things. That hand will be chopped off.

*[Translation]*

SHRI RAM VILAS PASWAN : Mr. Speaker, Sir, please get one thing done today. Let the hon. Members speak today and tomorrow.....*(Interruptions)*

MR. SPEAKER : No. no.

SHRI RAM VILAS PASWAN : Voting on it can be done.

*[English]*

SHRI BASUDEB ACHARIA : There is another important item on which you gave an assurance. That is about arms-drop in Purulia. You assured the House that Government would make a statement and there would be a discussion on this very important issue. You fix up time for that also.

MR. SPEAKER : I have not promised about a discussion. I have followed your statement. You come to this point, Mr. Acharia. You criticise the 'hand' in the Budget.

*[Translation]*

SHRI RAM VILAS PASWAN : The hon. Prime Minister had said that he would give a statement regarding the journalists. They are going on strike from tomorrow....*(Interruptions)*

*[English]*

It is a very important issue.

MR. SPEAKER : Let the Minister of Parliamentary Affairs note all these things and whatever we have promised may be done tomorrow.

*[Translation]*

SHRI RAM VILAS PASWAN : The hon. Prime Minister has said that the interim relief will be increased for the journalists but they are again going on strike from tomorrow

*[English]*

What is going on?

*[Translation]*

SHRI GHULAM NABI AZAD : You too had promised ago that the discussion on Hawala would be over six days and the remaining issues would be discussed, but you have not so far closed the discussion on it .....*(Interruptions)*

SHRI RAM VILAS PASWAN : But the journalists are going on strike despite the assurance given by the hon. Prime Minister. Please speak, what are you doing ?

SHRI GHULAM NABI AZAD : Since you are not allowing anything to be done in the House, then how we should do.

SHRI RAM VILAS PASWAN : This is not the reply ...*(Interruptions)*

MAJ. GEN (RETD.) BHUWAN CHANDRA KHANDURI. What happened in the Rajya Sabha today?

*(English)*

SHRI RAM VILAS PASWAN : This is not the reply.

SHRI GHULAM NABI AZAD : Let it go on record.

MR. SPEAKER : Now one Member from one party please. Shrimati Geeta Mukherjee.

SHRI NIRMAL KANTI CHATTERJEE : Sir, I will submit before you that even this Interim Budget has to be objected to on two technical grounds.

MR. SPEAKER : All right. From CPM, you will speak. Shrimati Geeta Mukherjee is speaking as a member of CPI.

SHRI NIRMAL KANTI CHATTERJEE : Article 79 of the Constitution of India defines 'Parliament' in a particular manner. That definition is :

"There shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively..."

In the expenditure statement 'expenditure on Parliament' is one heading and 'expenditure on President' is another heading.

What I am submitting in that unless a correction is introduced in the expenditure budget that it is an expenditure on Lok Sabha and Rajya Sabha and expenditure on President which together make it expenditure on Parliament, this statement is defective.

MR. SPEAKER : I am not acquainted with the rules which are followed in the Finance Ministry. Though I appear to be understanding it, yet I will not continue with this discussion.

SHRI RAM NAIK : I am on a point of order. There are various items which are being ignored. For that, you have explained and we understand it. But ultimately, we are going to discuss the General Budget, Interim Budget, Vote on Account or whatever it is. We have to prepare some speeches. We have been sitting here all along without a lunch-break.

I would suggest that a break for 25 minutes may be given; we will meet at 6 O'clock, we will come prepared with the papers and start the debate. This is only a request that I am making .....*(Interruptions)* You also need some relief. You have been exerting too much today.

MR. SPEAKER : No. I need some respite.

*(Interruptions)*

MR. SPEAKER : Please sit down. Everybody is trying to pounce upon me from all sides. Please understand that all submissions cannot be disposed of at a time

*(Interruptions)*

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI: We are going to adjourn tomorrow as you said in the morning. That time can be utilised now and this time could be utilised tomorrow. *(Interruptions)*

MR. SPEAKER : No, that does not happen. If you are ready to pass the Budget today itself, I can take up this matter first and later on the Budget. We can dispose of Motion under Rule 184 today and take up the Budget or if you want more time, there are some Members who would like to speak, I think they should be allowed to speak. That is why, you have very graciously accepted and we are obliged to you. Now, let this go on, let us not change every moment; it does not look nice and it is not correct.

*(Translation)*

SHRI RAM VILAS PASWAN : It has been decided that the discussion on the budget will be over today then the matter under rule 184 will be taken up.

*(English)*

MR. SPEAKER : That is correct.

17.36 hrs

THE INTERIM BUDGET (GENERAL) 1996  
DEMANDS FOR GRANTS ON ACCOUNT  
(GENERAL) 1996 AND

SUPPLEMENTARY DEMANDS FOR GRANTS -  
(GENERAL) 1995-96

MR. SPEAKER : Now, let us take up item Nos 23 to 25 together, Shrimati Geeta may start

Motions moved :

"That the respective sums not exceeding the amounts on Revenue Account and Capital Account shown in the third column of the Order Paper, be granted to the President out of the Consolidated Fund of India on account, for or towards defraying the charges during the year ending on the 31st day of March, 1997 in respect of the heads of Demands entered in the second column thereof against Demands No. 1 to 26, 29, 31 to 58, 60 to 90, 92, 93 and 95 to 100."

"That the respective supplementary sums not exceeding the amounts on Revenue Accounts and Capital Account shown in the third column of the Order Paper be granted to the President out of the Consolidated Fund of India to defray the charges that will come in course of payment during the year ending 31st day of March, 1996 in respect of the following demands entered in the second column thereof

1, 4 to 9, 12 to 18, 21, 23, 24, 26, 28, 31 to 37, 39 to 46, 48, 49, 51 to 54, 57, 58, 63 to 65, 69, 70, 73, 75 to 81, 84, 85, 89 to 91, 93, 95 to 99."