

LOK SABHA DEBATES

LOK SABHA

Tuesday, August 2, 1994. *Sravana 11,*
1916 (*Saka*)

*The Lok Sabha met at Eleven of
the Clock*

[MR. SPEAKER *in the Chair*]

RE : ACTION TAKEN REPORT ON
THE RECOMMENDATIONS OF THE
JOINT PARLIAMENTARY COMMITTEE
ON IRREGULARITIES AND BANKING
TRANSACTIONS.

... (*Interruptions*)

[*English*]

SHRI NIRMAL KANTI CHATTERJEE
(DUMDUM) : Sir, nothing has happened
till now (*Interruptions*).

SHRI SOMNATH CHATTERJEE
(BOLPUR) : For several days this House
has not been able to function and everybody
knows that it is due to the so called Action
Taken Report on the Report of the JPC
which the Government has submitted in

the House. As you know, Sir, the JPC was constituted by this House after the Prime Minister's intervention and clear commitment to the nation that the Report of the Joint Parliamentary Committee will be given the highest importance and whoever may be found guilty will not be spared however, high position he may occupy. On that basis, the Committee comprising Members from all the parties, where the ruling party had the majority, sat and discussed for 18 months and came out with a unanimous Report barring some adjustments here and there.

Sir, we had expected that the Government in keeping with the Prime Minister's clear commitment will take appropriate decision and give effect to the Report of the JPC, According to us the Government has no right to question the findings of the Joint Parliamentary Committee but when we go through the Action Taken Report it appears that in vital sectors including the concept of ministerial responsibility what has been stated is totally unacceptable. We have seen with great dismay and concern that the Government has chosen to criticise the findings and the recommendations of the Committee in a manner and in a language which in my humble experience is unheard of in a system of Parliamentary Government.

Sir, you have been taking initiatives

and I have repeatedly said that I am extremely thankful to the hon. Speaker for taking initiative in the last seven days. Everyday you have been calling meeting of the Leaders of various parties, but the Government's response is totally negative. The Government is merely repeating like a parrot that it is having an open mind, openness with regard to what we do not know. No action has been taken by the Government. Not a single meeting has been called by the Government and we do not know what is the real attitude of the Government.

Sir, we believe in the proper functioning of the Committee System. You will please recall that when you decided to set up Standing Committee to deal with various subjects, like the Budgetary grants of different ministries which are not discussed on the floor of the House, we had fully supported your effort. I may humbly submit, Sir, that we have been acting to the best of our ability to try to help the Government in strengthening the Parliamentary system. The glory of the Committee system is that in committee we do not take partisan attitude.

Now, Sir, we have come to a very reluctant conclusion that the attitude of the Government with regard to the Committee system that has been developed over the years -- the Standing Committees have also been introduced now -- has made a mockery of the Parliamentary system and the Committee system. As Members of Parliament we are doing our best to strengthen the functioning of the Government by making responsible suggestions through the Standing Committees and other Parliamentary Committees but the Government is adopting a clear casual approach so far as Reports

of these committees are concerned. So, in these circumstances we cannot but express our greatest protest and objection to that.

Sir, speaking for myself and my Party -- I believe other Leaders will also agree with me -- we have decided not to associate further with the Parliamentary Committees that are there. We shall be resigning from the Membership of the Committees, otherwise it would appear that we are condoning the Government's clear contempt for the JPC.

MR. SPEAKER : I will allow Shri Sharad Yadav first and then I will also allow the Government to say something if it wants to.

[Translation]

SHRI SHARAD YADAV (MADHEPURA) : Mr. Speaker, Sir, with deep sorrow and pain we would like to put forth our views in the House. Shri Somnath Chatterjee made a submission regarding all out efforts to be made to maintain sovereignty and dignity of the Parliament and to ensure that it carries out its duty towards the country. Though parleys had been held with you to find solution of the deadlock yet we have reached this impasse. The Joint Parliamentary Committee constituted by the Government has been holding sittings for 18 months and has discussed the matter for 500 hours. Though the report was presented unanimously in the House yet the Government, leaving aside concrete recommendations, has only accepted 85 per cent of the recommendations, as is evident from the Action Taken Report. It

has further fuelled corruption in the country and the House is helpless in this regard. If three-four points, submitted by us, are appended to the facts of the report then it will become comprehensive and a message will be communicated to the masses too.

Sir, this House is accountable to the country. Therefore, the Congress, which is in power in the country, which is holding executive authority is also answerable to the country. The Government in power has to safeguard the national property. The JPC in its report has humbly pointed out the names of a few Ministers, who had been found guilty, and has demanded action against them. Though high ranking officials like the Governor and Deputy Governor of RBI, who are entrusted with the task of monitoring financial operations, have been found guilty yet no action has been taken against these officials. No action has been taken against them on the plea that they had been asked to seek premature retirement and no punishment could be bigger than this punishment. It is the general impression in the country that the officials mentioned guilty in the report have gone scot free in the Action Taken Report on the plea that they have since retired. This stance of the Government has hurt people's feeling. Thirdly, the JPC has clearly pointed out that the scam, of this magnitude, was emanated by the foreign banks. Four banks have been singled out by the JPC and the committee recommended cancellation of their licences. However, we urged the Government to suspend licences and not to cancel their licences.

SHRI MURLI DEORA (Bombay South) : The JPC never recommended cancellation of licences.... (Interruptions).

SHRI SHARAD YADAV : I would like to ask you whether you believe that foreign banks did not generate scam. Were you in the JPC..... (Interruptions).

SHRI MURLI DEORA : Do not say that the Committee made such recommendation..... (Interruptions).

SHRI RAMVILAS PASWAN : (Rosera) : Mr. Speaker, Sir, I am on a point of order. In para 1.72 at serial number 49 it is stated that :-

"in addition to it, keeping in mind the irregularities committed by each of the bank, adequate penalty should be imposed on the banks, including cancellation of their licences."

SHRI SHARAD YADAV : Mr., Speaker, Sir, I do not want to enter into controversy. Whole of the country and the House knows that foreign banks are behind the scam. I would like to submit that licences of these banks should be suspended to put across the message in the world that India has 80 crore people. The Government has done nothing in this regard. In the report it is clearly written that Chairman of SEBI in the matter of 'Goldstar' gave a truthful report and JPC stated that within seven months the CBI should inquire into this matter and place the facts before the House. Sir, on the plea of 'action taken' Chairman of SEBI, who has done truthful work and who acted dutifully was transferred to the Planning Commission so far as the observation of the committee that the system should be changed even this genuine suggestion was not accepted by the Government. Instead

they acted contrary to that. All the steps taken are wrong. Sir, the House is responsible to the people of India and the Government is answerable to the House. All the 30 Members of the JPC, including 15 belonging to the Congress, worked zealously for coming out with an unanimous report. Members of the JPC worked hard for 18 months and devoted 500 hours in finalising the report, but how astonishing it is that no action was taken on that report! Nobody in the Executive is prepared to take the responsibility or accept the accountability. Well you have forced some top officers to seek retirement but you are not prepared to accept any thing beyond that. In the report it has been commented that the Hon. Prime Minister and the Hon. Ministers having administrative control over Public Sector Undertakings have put Rs. 3,600 crore of public money in the hands of the brokers, who started the scam. However, as a follow up of the report, no you have made any efforts to establish links between them. The Government wants to only indulge in ritual exercise. Do you think that we will just leave the matter after having presented this report. Sir, How the people of India could feel reassured by in which the JPC presented this report with unanimity and the follow up action taken that bureaucracy is functioning well and both the democracy and the democratic institutions future is quite safe and are going to be strengthened further.

Is it not true that today you are standing here under certain duress which now please explain what make you helpless. I think the reason for the helplessness is the involvement of all from the Hon. Prime Minister downwards. Action would have been definitely taken on the report had the Hon. Prime Minister or any other Hon. Minister

not been involved. No further action was taken on the recommendations of the report regarding 'Goldstar' and 'Fair fix' even though Mr. Chidambaram tendered resignation. The Government is not prepared to accept our request for withdrawal of report. However, we did not demand only this much but gave some suggestions regarding fixation of responsibility of the executive Member. Had the Government accepted our concrete suggestions then definitely some meaningful action would have been taken on the ATR. However, the Government is not prepared to accept them and to withdraw ATR.

Mr. Speaker, Sir, recently we saw that the Government like previous occasions, withdrew the Electoral reforms bill after introduction. However, withdrawal of this report has been made a prestige issue by the Government, which is quite adamant. How will we able to discharge our duties if the Government does not want to take any action in the case of scandal of this magnitude, of defrauding of the hard earned public property of the people of India, and becomes adamant regarding nonwithdrawal of the report? Sir, we are not prepared to accept the argument of failure of democratic system. We are ready to oppose the Government tooth and nail both inside and outside the Parliament. I would like to know whether the Government does not want us to make any contribution in the Parliament? Further, whether the Government wants to act arbitrarily in the Parliament why the Government intends to come out with the report in instalments, as we have no faith in presenting the report in instalments? For the last four days we have got extremely perturbed. We are not in favour of not allowing the Parliament to function or working in instalments or everytime standing in the well of the House.

Mr. Speaker, Sir, undoubtedly the dream of setting up of the Parliamentary Standing Committee is quite good. However, I feel your dream of setting up of committee is not going to fulfil the desired ends, because we would be asked to put our signatures in the case of these committees in the manner, the JPC members were asked to sign. We are not prepared to work on the Standing Committees after the surfacing of the scandal of this magnitude of defrauding the people of India and the manner in which the Government want to make good its escape after making an eye wash. Therefore, all the Members belonging to the Left Front and the National Front are tendering resignations from these committees. Last time we are submitting in the House that if the report is not withdrawn then we are prepared to bid good-bye to the House and again approach the people of India on the plea that we are not being allowed to discharge our duties in the House. Then the battle of the streets will start and the deeds of the Government will be made known to the people of India even in remote corners of the country.

In addition I would like to submit that still the Government has the opportunity. I urge the Government not to make it a prestige issue because the Congress is involved. The Government should show some guts and courage by withdrawing the report. The Government should accept the important substantial portion of the report. Both the democracy and the bureaucracy should be strengthened to make our intentions clear in the world. To gain respect it should also be done. Otherwise persons like Khaimar and Seshan are touring the country to become leaders. This is the sol reason for the erosion of our credibility.

Therefore, the Government should do this and not make it a prestige issue. Mr. Speaker, Sir, through you, I would like to urge the Government and Shri Shukla to accept the reality in the interest of the country as prestige is not sufficient to run the country. We are prepared to discuss the report, you ...*... we are not prepared to accept this sort of ineffective camouflaging. We request the Government to come out with a meaningful comprehension report. Then the people of India will also shaver praise that correct course has adopted and in future nobody will indulge in such things. The Government should come out with such a report.

Mr. Speaker, Sir, through you, in the end I would like to submit in the House that we are prepared to discuss the report for even one month in the House. Sugar, flood and other scandals have come to light. Scandals are surfacing and CAG and PAC are presenting reports but nothing is happening. Everything has been paralysed by the Government. Today is the right opportunity to show large heartedness.... (*Interruptions*). You cannot gag us you can hold our tongue by your road-roller majority, but would not be able to hold the tongues of the people of India and will have to bear the consequences. By making it a prestige issue and by recognising and encouraging corruption and looting of the property of India as cultural traits and by hooting us down we could be gagged, but not the people of India. People of India will definitely given their verdicts as they have done in the past.

Sir, through you, with all humility I once again would like to appeal to the Government not to make it a prestige issue

and give us the opportunity to discuss the report for one month. You give us the opportunity to discuss the report threadbare, so, that the Parliament becomes the mirror and forum of highlighting the expectations of the people of India. The Government should give its response in this regard and throw open new vistas for the people of India.

With these words I thank you for giving me the opportunity to speak.

[English]

MR. SPEAKER : I am very thankful to the Members that they are giving a patient hearing. The Members sitting on my right also want to speak. They should also be given a patient hearing.

[Translation]

SHRI ATAL BIHARI VAJPAYEE (Lucknow) : Mr. Speaker, Sir, unprecedented situation has developed in India. Since 1957 I have been a Member of the Parliament and most of the time I have remained in the opposition. Even now I would like to emphasise that the Opposition should respect that Parliamentary norms while participating in the proceedings. At the beginning of the Monsoon Season i.e. on first day I had stated that we are pained to see that the credibility of the Parliament is being eroded and negative attitude of the Government regarding the reports of the Parliamentary Committees has aroused apprehensions in the people's mind regarding Parliamentary system. That day this report had not been presented and we did not anticipate that such a report will be presented. However, even before this the people of India had started thinking

that the Parliament is not properly discharging its duties. People started asking us what were we doing here in the Parliament. When allegations of corruption are levelled no inquiry takes place and if there is one, no action is taken, matter is brushed under the carpet.

There has been an impasse in the House for so many days. Mr. Speaker, Sir, We are thankful to you for your mediation in an endeavour to find a solution to this impasse and run the House smoothly but the Government has not taken any initiative. Do not know why? Will you always mediate between the Government and Opposition? Will there be no direct dialogue? Has the Government dismissed all the possibilities of direct dialogue? Then, how shall the Parliamentary system work? How shall democracy work? Mr. Speaker, Sir, there should be no need to involve you in the every affair. You are giving your contribution and we are grateful to you for that.

The Government should at least, ponder over what made the whole opposition unite on this issue. Today, opinion from smaller parties of North-East and South was separately sought. All say in one voice that the Action Taken Report on JPC is not satisfactory and the Government should withdraw it.

It is not a political issue. What type of report is it? You might recall Mr. Speaker, Sir, that at the time of constitution of JPC, we had demanded that a Member from the opposition should be appointed as its Chairman because we rise above party politics once we are Members of a Parliamentary Committee. It is an important issue, the greatest scandal of the country. Where did Rs. 5000 crores go? The common

man has suffered due to it, who purchased shares and their shares were sold at petty prices. Who is responsible for this scam? You accepted the demand of the Parliamentary Committee. The ruling party also accepted but a suggestion was given that its Chairman should belong to the opposition because we know that decision taken on it during discussions would be far-reaching one and there could be possibility of some people being killed on the roads. Therefore, a senior member of Congress, Shri Ram Nivas Mirdha was appointed its Chairman. We accepted it without any demur because we have faith in him. The Congress was in majority because we do not play party politics. The proofs and facts came up, depositions were recorded. You gave an opportunity to the Minister of expressing their viewpoints before the Committee though it was not called for. When the committee was constituted, the hon. Prime Minister declared in the House that action will be taken against the guilty. Committee laboured for 18 months. It was talked about in the country and abroad. The report came and then there came the Action Taken Report. The Government well understands that such report should not have come. That is why it talked of deleting some words from the report. Then there is another proposal that it may be taken as Interim Report and another report submitted because the Government also appreciates that something has gone wrong somewhere. There should be no hesitation in clearly accepting the wrong-doing. That day, the hon. Prime Minister had in the meeting convened by you, said that the Government has open mind on it. There is a difference in open and empty mind. This is open mind and you may come....
(Interruptions)

SHRI VILAS MUTTEMWAR (Chimur)

: But what if there is a closed mind?

SHRI ATALBIHARI VAJPAYEE : Band dimag Ughdoon pahayache. Why should you laugh if I speak in Marathi...
(Interruptions) I said in Marathi that a closed mind should be opened and examined but a closed mind should be opened and examined but a closed mind will not serve the purpose. This joint and strong opposition has left its impact on the Government. The Government knows that its stand is weak. It can move one step ahead now.

MR. SPEAKER, Sir, Shri Chidambaram is present here. He foolishly offered to resign. He could have sit in place and emulated the path of Shankaranand ji even if the Committee condemned his role, but an honest persons submitted his resignation and it was accepted forth with. The Prime Minister will not demand a resignation from anybody in the fear that a similar demand may be returned for his resignation. We were taken back when Shankaranand ji told in this House that there was no question of taking action against him because he committed all the irregularities under rules and that no action was taken against the Ministers who committed irregularities in violation of rules. I am saying the crux of what he said. I am not quoting him.

MR. SPEAKER, Sir, corruption is eating into the vitals of our public and political life. It is jeopardising democracy. Is political power a means of amassing wealth? Many allegations are levelled outside. The politicians will find it difficult to move on roads. There fore, we demand painfully that good example should be established and the greed of power relinquished. Political power will part company with you one day

but this is the best opportunity of purging the public life to some extent. The JPC report had given you an opportunity. It was a unanimous report and action could be taken on it. You can still take action and we want to inspire you for that.

It is not for the first time that the recommendations of a Parliamentary Committee are ignored. You will excuse me for saying that there was Railway Convention Committee, Shri Jaffer is present here; people say that there is only one *Sharief* in the Cabinet. I am not imputing any allegation on others. Why was the unanimous report of the Railway Convention Committee consigned to the dustbin? People ask what are we doing in the committees? How can democracy be protected if the unanimous report of a committee is ignored? The Government may enumerate reasons for their difficulty in accepting a report. The Members of a Committee can rise above party politics in discussing an issue and in taking decisions but if can not be so in the House.

A whip may be issued or other constraints imposed so that the importance of a committee report increases. This unanimous report has come. The Government is counting the recommendations accepted by it and there is difference of opinion on it as well. Action has not been taken against anybody. How can people feel that efforts are being made for eradicating corruption unless action is taken against any Minister? Action should not be confined to Government officers alone because there is something called moral responsibility. We have a good Finance Minister, we do not doubt his personal honesty and integrity. But the Ministry of Finance has miserably failed in checking

the scam. During the enquiry, the Finance Minister stood throughout by the Governor of the Reserve Bank. At that time also, we had raised an objection. Dr. Manmohan Singh, under the influence and recommendations of the report, conceding his defeat, offered to resign. The resignation of Shri Chidambaram was accepted but that of Dr. Singh was not accepted. I do not agree that economic reforms initiated by the Congress will not find a headway without him. Dr. Manmohan Singh's resignation could have been accepted for a greater cause and the dignity of both Dr. Singh and the Congress would have increased by that. The non-acceptance of Dr. Singh's resignation paved way for Shri Shankaranand not to resign. Karnataka was scheduled to go in for elections. What fate will the public life meet?

MR. SPEAKER, Sir, I am afraid that keeping in view the Action Taken Report on the JPC Report and the Government's reaction to it, it will be impossible to work in a Parliamentary Committee rising above party politics. This ball has been set rolling. The Public Accounts Committee was conducting and inquiry into the sugar scandal. The food secretary was asked to present himself before the committee..... (*Interruptions*). These are facts. When we are deciding to resign from all the committees today, how is the Government treating the committees? Can't make a mention of that? Hurdles are being created in the way of Public Accounts Committee. I can understand the difficulty of the Congress Members. What can they do, if Shukla ji calls them and says that everything has been done to the contrary... (*Interruptions*) mutually contradictory.

MR. SPEAKER, Sir, How can the

Committee function? I am not talking in this context because I cannot take you head-on.

MR. SPEAKER : If you have said something and somebody wants to correct it, he may do that.

SHRI ATAL BIHARI VAJPAYEE : I have no objection but after I conclude.

MR. SPEAKER : All right.

SHRI RAM VILAS PASWAN : If correction is done, he will be more in shackles... *(Interruptions)*.

SHRI ATAL BIHARI VAJPAYEE : There was the first report of the Public Accounts Committee on sugar import. Serious allegations were levelled. Sugar was imported at exorbitant rates. We conducted an inquiry rising above party politics. I was the Chairman. We had given recommendations. Now, Shri Kalp Nath Rai claims that he is following the recommendations but we had recommended a high level inquiry. The CBI conducted the enquiry and held the then Sugar Minister, Shri Sukh Ram guilty. I am ready to lay that report on the table of the House. That report was not made available to us until I was the Chairman and until there was the Public Accounts Committee but the Government had the knowledge of that report. Was any action taken against Shri Sukh Ram? He was taken in the Cabinet and he is preparing ground for another scandal now. We do not want him to get indicated. Who will now like to go into PAC and what for? The other day, I asked the hon. Prime Minister whether he had seen the CBI report? Now there is this Action

Taken Report on JPC. At many places, it is said that CBI is conducting the enquiry. What enquiry is being conducted? Will action be taken on the findings of that enquiry? We have no faith now and this is the result of three year procedural structure. Cover up operations of scam are underway. Consequently, there is this opposition and indignation. You may recall that on the day of commencement of the session, we had said that we want to give vent to our indignation like the clouds thunder and burst into rain. You had asked will both things go simultaneously? This Government had launched such a wave, brought everybody in the House together. At occasions, clouds come together and the result is the impasse. We, too, have no other solution 'Nanya panth vidhate adhyanyaya'. There is no way out. The only option is to resign from the committees, one of non-cooperation and we will be constrained to inform you in near future about our plan of action. You may continue your efforts but we have no hopes from this Government. Therefore, it seems, that we have parted ways.... *(Interruptions)*.

[English]

THE MINISTER OF STATE OF THE MINISTRY OF STEEL (SHRI (SHRI SONTOSH MOHAN DEV) : Please allow the Minister to speak.... *(Interruptions)*.

THE MINISTER OF RAILWAYS (SHRI C.K. JAFFER SHARIEF) : Sir, Shri Vajpayeeji, during the course of his speech, has referred to my name and the report of the Railway Convention Committee. Sir, the report of the Railway Convention Committee is before the House. The hon. Members can again have a look at it. We have given due respect to the Railway

Convention Committee's report. There is nothing which the R.C.C. has said, that has come in the way of Government taking a decision. On the particular issue on which Shri Vajpayeeji might have had his mind to throw light on, it is not merely the Railway Convention Committee alone, but I have invited Members of Parliament and I have even myself gone to the leaders of various political parties and I have not kept anything away from them. I have shared with everybody whatever is there.

I would like to go on record that it is the Ministry of Railways which has constituted several groups of the Consultative Committee of the Ministry of Railways where the Opposition Members are the Convenors and it has allowed these groups to go into the working of the Railways in all aspects of the functioning of the Railways. I do not think there is any other Ministry which is more transparent than the Railways. (Interruptions). It is not fair to do character assassination of anybody like this.... (Interruptions)

[Translation]

SHRI RAJVEER SINGH (Aonla) : I am on a point of order.... (Interruptions)

[English]

MR. SPEAKER : I am allowing you point of order.

[Translation]

SHRI RAJVEER SINGH : Mr. Speaker, Sir, the hon. Railway Minister has tried to clarify his position on what Shri Vajpayeeji said by referring to the RCC committee report. I am also a Member of that committee.

Will the hon. Minister give reply to it? The report is on the Table of the House. It says ABB locomotives should not be procured but it is a unanimous report.... (Interruptions).

[English]

MR. SPEAKER : This is not a point of order..... (Interruptions).

MR. SPEAKER : I will allow Shrimati Pratibha Patil.

SHRIMATI PRATIBHA DEVISINGH PATIL (AMRAVATI) : Sir, hon. Shri Vajpayeeji has said that an extraordinary situation has arisen and it is true.

Now, the question before the Parliament is, not to go into the contents of the report and into the merits and demerits of the report. A stalemate has arisen because of the stand of the Opposition not to discuss the report and the stand of the Government not to withdraw the report. In such a situation, what I think is that neither the Opposition nor the Government should stand on prestige, but leave the matter to the Speaker for guidance.

Sir, on page no. 692 of the Practice and Procedure by Kaul and Shukdhari it is clearly given as to what is the procedure to be adopted if there is a disagreement between a Committee and the Government and exactly the same situation has arisen here. I will read it out. It will take some time, but I hope you will allow me to read it out so that it will be clear. It says :

"The recommendations of Parliamentary Committee are normally accepted and

implemented by the Government. If in regard to any recommendation the Government hold a view different from that of the Committee, the Government have to apprise the Committee of the reasons that might have weighed with them in not accepting or implementing the recommendation. The matter is considered by the Committee and further report, if deemed necessary, may be presented to the House."

Sir, last time, I had suggested that it may come before the Parliament, before this House and it should be discussed here because the JPC is not in existence now. The book further says :

"In the case of the Fourth Report of the Public Accounts Committee, 1952-53, the Government deviated from this procedure and laid a statement on the Table on August 11, 1953 without placing the views before the Committee in the first instance. The Committee sought the Speaker's guidance in the matter who directed that a circular should be sent to all the Ministers laying down that in cases where Government were not in a position to implement a recommendation made by a Committee and the Government had reasons to disagree with the recommendation of the Committee, the Ministry concerned should, in consonance with the well established procedure, place its view before the Committee who may, if it thinks fit, present a further report to the House after considering the view of the Government in the matter."

Again, the same situation has arisen here. Since the JPC is not in existence now, it is this House which gets the right to discuss and send it to the Government for its further consideration. The book further goes on and says :

"Where a difference of opinion between the Committee and the Government remains unresolved, the case is referred to the Speaker for guidance."

Here also, the same situation has arisen where, I think, the House should refer this case to the Speaker for further guidance, though whatever is being said here is not the view of the whole JPC. I do not know whether whatever the Opposition is saying is also the view of the JPC. I do not take it for granted that it is the view of the JPC. But for argument's sake, even if we take it that it is the view of the JPC, in such a stalemate the procedure is very clear and there is no deadlock so far as the guidance goes. Therefore, again I would request the House and also the Government not to stand on prestige, but to refer this matter to the Speaker for future guidance.

SHRI PAWAN KUMAR BANSAL (Chandigarh) : Mr. Speaker, Sir, today's announcement by three hon. Leaders of opposition dissociating themselves from the various Parliamentary Committees saddens me, saddens my friends on this side and would also sadden all those people in the country who are votaries of strengthening the parliamentary institutions and parliamentary practices.

Sir, two years back when you took up the initiative of forming various departmentally related Standing

Committees, the Government outrightly responded to that a very positive manner and in that vital matter agreed to have Chairmen from amongst the Opposition leaders for as many as half of the Standing Committees.

Sir, that reflected the commitment of the Government to strengthen the democratic institutions, to strengthen the role of Parliament. It was our experience that for many many years, the Parliament, because of paucity of time, could not really discuss many Demands for Grants in the House. Sir, those Standing Committees have been working exceptionally we and the Government, committed as it is in according to priority to the views of the Parliament, has accepted those reports and taken them in the right spirit.

Sir, during the last four or five days, we have witnessed what could be termed as an extraordinary situation. But, Sir, I want to hasten to add that the role of Parliament is that of a watch-dog, is that of having some sort of a role of overseeing the functioning of the executive, but at the same time, the role of Parliament is to guide the Government. For once, Sir, I must honestly say, we have failed to discharge that role. Sir, it has happened in the past that on many occasions people from the ruling party and people from the Opposition might not have agreed to everything that has come before this House in the form of a Bill, in the form of a Resolution or in the form of a Report. And, Sir, there have been occasions when there have been heated animated discussions on various Bills and one of the most important Bills which meant to give power to the people was rejected by Parliament. For some time, the matter went off the agenda of Parliament;

subsequently, of course, it was passed unanimously. Sir the point which I am trying to make out is that at that time there were no protests; there was no declaration that our friends on the Opposition side would not join the deliberations of the House, but have voted out the Bill. In the last Session, Sir, there was no general agreement on another Bill which was before this House. The Government assured that it would go in for further discussion with the Members, kept it in abeyance, and now the Bill has been referred to Standing Committee and whatever may be the decision of the Committee, the Report of the Committee on that, would be welcomed by the Government.

Sir, here we are faced with a situation where, in pursuance of the Report of the Joint Parliamentary Committee going into the scam issue, the Government is before us presenting an Action Taken Report. Sir, I would like to go back a little to rebut the feeling, with utmost humility, which was expressed by the hon. Members from the other side about the coming into light of the scam. And with almost full emphasis at my command, I would like to say that it was none other than the Government which noticed the scam and took immediate steps to put an end to it.... (*Interruptions*).

SHRI SRIKANTA JENA (CUTTACK)

: This is wrong.

SHRI HARIN PATHAK
(AHMEDABAD) : Why was the JPC formed then?

SHRI SRIKANTA JENA : It is another

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the recommendation of the Joint Parliamentary aties and Banking Transcation
joke of the century, Mr. Bansal.

SHRI PAWAN KUMAR BANSAL : I am not oblivious of the fact that it was not the Government which issued a statement to the Press, but there was a *suo-motu* news in the Press. That does not take us away from the fact, that does not take us away from the truth. Sir, it was in the Ministry of Finance, against which an accusing finger was sought to be raised, that the matter was detected. It is not for any Government worth its name, when the Government seized of a matter, seized of malady is taking initiatives, is contemplating measures to put an end to a situation which could aggravate further, it does not become appropriate on the part of that Government to go to the Press to say that they were taking this action and that they have detected this. Right from that day, the Government started acting on that and with all humility I can say that if the Government not acted at that time, the magnitude, the proportion of this scam would have been much wider. It is the Government which detected it. The Government put an end to it.

Sir, I am extremely grateful to the hon. Members on the other side and I wish we had this opportunity and environment to discuss even the Action Taken Report.

Whatever differences they had on that, I feel that it is the right of any Member of this House to point out that and we could have guided the Government on that and that is what I say that it is for us to ensure that in our deliberations there, we shed light and do not generate heat. Had we followed that course, may be we

could have pointed out deficiencies in the Report. I for one would say that any Action Taken Report ever presented by the Government, cannot be the final word on it. This is my view because action is a continuous process. You see the Appendix to this report. On page 79 of this Report, there is a list of 41 cases, in which case complaints have been filed by the Government. What is the fate of that? That is not strictly within the power of the Government. We know our legal system. Law takes its own course. What finally happens in the case is not within the control of the Government or of any of the Members of the Opposition or any member of the public also. If tomorrow, after investigation, the court comes to a conclusion, I think that it would be for the Government again to come to the House at that stage to point out what further action has to be taken in the matter.

I would not for a moment venture to sermonise on this matter. I am not competent to do that. I do not have that much seniority to assume that role for myself. But I do feel that no Government worth its salt can just accept something from the Opposition, only because they are saying it. I do not really find words to react to Shri Atal Bihari Vajpayee's statement when he says that they would be satisfied only if action is taken against the Ministers. What do they want to suggest to the Government? Do they have un rebuttable evidence against them? No person can raise any doubt or pin point that this is the allegation against such and such a person. The hon. Ministers came to the House. They gave their version. Now to rush to the conclusion from that, that action should have been taken against the said Ministers, bureaucrats and banks is such that even no child will do. We are

sitting in Parliament. The Government is in Office and the Opposition being where it is, it becomes our responsibility that for any action that we take, finally we hold ourselves responsible for that. How can you say today what some Members of the Opposition rise to say that a particular person should go.... (*Interruptions*).

SHRI HARIN PATHAK: Don't mislead the House. The Report says that these are the guilty persons.

11.59 $\frac{1}{2}$ hrs

WRITTEN ANSWERS TO QUESTIONS

[*Translation*]

Admission of SC/ST Candidates

*121. SHRI RAM VILAS PASWAN : Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to State

(a) whether the Government have received some complaints regarding alleged irregularities in the admission of SC/ST candidates in Delhi University during 1993-94.

(b) if so the details thereof; and

(c) the steps proposed to be taken by the Government to ensure that reservation policy of the Government in respect of admission of SC & ST in colleges/universities is strictly adhered to?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI ARJUN SINGH) : (a) to (c). According to the information furnished by the University of

Delhi, some students' organisations have, in a joint representation addressed to the Vice-Chancellor, made complaints of a general nature about the functioning of the SC/ST Cell of the University. The complaints relate to the allocation of colleges and courses to students other than those opted by them, denial of admission by some colleges, and non-cooperative attitude of the authorities in-charge of SC/ST admissions.

The University has informed that the allocation of colleges/courses to SC/ST students is made on the basis of merit-cum-choice of college/courses indicated by them in the registration forms and in case a candidate is not able to get a college of his choice on the basis of merit he is allotted another college where a seat in the preferred course is available. For redressal of grievances of SC/ST students with regard to admissions, the University has constituted a Central Grievance Committee under the chairmanship of Proctor of the University. In order to ensure speedy and effective redressal of the problems and grievances of the students a Deputy Proctor has been appointed especially for SC/ST students.

As regards the implementation and monitoring of the reservation policy of the Government in respect of admission of SC/ST students in colleges/universities, the following steps have been taken by the Government/University Grants Commission to ensure implementation of reservation policy in Central Universities :

- i) SC/ST Cells have been set-up in the Universities;
- ii) An SC/ST Cell has been set-up in the Department of Education to