

14.24 hrs.

**MOTION RE FIRST REPORT OF
COMMITTEE OF PRIVILEGES**

MR. DEPUTY-SPEAKER: Next item. Shri Jyotirmoy Bosu. You can move your motion.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Mr. Deputy Speaker, Sir, I beg to move:

"That this House do consider the First Report of the Committee of Privileges presented to the House on the 8th May, 1981."

There is a Footnote here which says that Item 12, the Contingent Notice of Motion, will be taken up after this, which reads as follows:

"That this House disagrees with the findings and recommendation contained in the First Report of the Committee of Privileges presented to the House on the 8th May, 1981;

This House do resolve that Shri J. R. D. Tata be summoned at the Bar of the House and be admonished by the Speaker for the breach of privilege and contempt of the House committed by him."

This Bill, will be taken up after the adoption of my main motion after the consideration stage.

I regret to say, without casting any aspersion that the report under reference does not properly and fully reflect the evidence. I request to say that, Sir, with due apology without casting aspersions. But I am glad to say that at least two of its Members, namely, Shri George Fernandes and Shri Shiv Shankar did make an effort. I find from the evidence, to elicit the correct information, precise information—you see the language—and make it an objective report, this is very heartening for us to note. Sir, never in the history of parliament, to my memory, within my tenure of 14 or 15 years, I have ever seen such a daring and

scathing attack on politicians as it was made out by Shri J. R. D. Tata. Sir, I will show that it took as much space of this paper as nearly 1/6th of a full page and therefore I analyse it now. There were 21 counts of vilification and most of them, I see all of them, are unwarranted and unauthorised criticism because it did not suit his likings and he knew it and I expected him to know it that the employees of the Air India had congratulated the Committee for making a thorough enquiry and reflecting it without any favour or fear.

MR. DEPUTY-SPEAKER: Mr. Bosu, you have to be very short because the total time allotted for this is only half-an-hour. There are 5 or 6 Members to speak on this.

SHRI JYOTIRMOY BOSU: Sir, it is a substantive motion moved by me and the mover of the motion will have to be given at least 20 to 30 minutes.

MR. DEPUTY SPEAKER: You try to cooperate with the House.

SHRI JYOTIRMOY BOSU: Sir, the report of the Public Undertakings Committee got a wider publicity and was applauded and those who were involved and accused were the people who frowned upon it. Let me tell you that the Committee was very generous that it did not reveal some documents, particularly the new complimentary pass list and if that had been released, then this Company would have been forced to pay millions of dollars as penalty. The Committee was good enough and considerate enough and this is what in return the Committee got. Sir, I regret to say that the apology was not unconditional as is stated. In fact, to my reading, it is no apology.

Sir, kindly see page 40 of the Report. There, you will find that my hon. learned friend, Shri Shiv Shankar, had cautioned the witness. This man had been cautioned. He was, evading all the time and he was trying to take the Committee for a ride. Shri Shiv Shankar said "please do not go into the

merits". He sits on judgement. Then he says "No apology". Further it reads like this.

"Shri P. Shiv Shankar: On merits we are not asking. Shri J. R. D. Tata: I do not unconditionally apologise for what I said in this particular part of the statement about Mr. Bosu, I mean, the substance of it."

Then he denies in reply to Mr. Shiv Shankar's question—a part of it. Then he says "I frankly and with due respect deny that I said or made statements—at least in my judgement—which were derogatory or which were in breach of the privileges of the House. That is my own view; otherwise, I would not have made those statements." He denies it. He does not even admit that. Then he justifies that. How he justifies himself can be seen in the following words:

"Shri J. R. D. Tata: I must take this opportunity of saying as ex-Chairman of Air India, and as an Indian—I am proud to be an Indian—believing in the future of India that there is a very dismal future if citizens of India are discouraged from expressing their views uninhibitedly."

Preaching sermons.

That means the Parliament can be given a shoe-beating. Shall I quote what he stated among the 21 counts He said "it also provides its own evidence of how far or should I say how low some elected representatives of the people are prepared to go to satisfy political or Ideological things irrespective of. . . . etc. etc." Could we imagine that, Sir? He thinks that he should enjoy that freedom.

Then he says:

"I will close only by saying that I felt absolutely convinced that it was a public duty and I would have failed in my public duty if I had not done what I had done; I shall do it today and I shall always say that as a citizen. . . ."

Then, Shri Venkatasubbaiah, a member of this Committee puts a question:

"The point is very limited. The point is that the words used were against Mr. Bosu in his capacity as Chairman of the Public Undertakings Committee, for which you have tendered an unconditional and unqualified apology. This is a limited question on which we wanted your evidence in the matter. The Committee has clearly stated that they are not going into the merits of the case at all."

And in his reply, Mr. Tata has the audacity and temerity to say:

"I have no further evidence".

He refuses to reply.

This is money power. With the money power, he thinks he can boot this Parliament; he can boot the elected representatives of 650 million people. That is the position. I leave it to the House to judge and tell me if I am wrong and if the report fully reflects the evidence. It is a very sad thing. There are indications, it is the chair-work of Air India, they are indications I have them.

I do not know why the Committee did not take notice of the unconditional apology tendered by Shri P. F. Mehta, the regional Director of Air India, headquarters in New York. He has to cover Canada and New York, if I remember correctly. He gave his colleagues a circular which I produced before the Speaker this morning. This matter came before this House as a privilege motion and the man admitted his guilt and tendered an unconditional apology. Did the Committee take into consideration that this is also a mischief that Shri Tata was doing. What did that circular say? It was from Regional Manager, Air India, New York:

"To: All Staff—New York Headquarters, All ASMs/DSMS. All Departments—JFK Airport/Ticket Office/Purchasing Office.

[Shri Jyotirmoy Bosu]

From: Regional Director, USA and
Canada.

Dear Colleagues:

I am sure that many of you have read various reports appearing in newspapers published in India and the Indian press here with regard to the report of the Public Undertakings Committee of Parliament on Air-India.

Those of you who read the article must have been disquieted and upset by the one-way barrage of attacks on Air-India."

Look at the cheek; on whose inspiration does he do it? Then:

'I am happy to enclose a copy of a report that appeared in 'The Times of India' and 'The Indian Express' and other leading Indian papers on May 29, 1979, as a result of an interview with our founder and ex-Chairman, Mr. J. R. D. Tata:'

The great god, Mr. J. R. D. Tata
Further,

"We all work for a very fine organisation and over the past thirty-one years of international service has met with and dealt with the stiffest of international competition with considerable success. I am sure we are all very grateful to Mr. J. R. D. Tata."

And to hell with the Parliament and its Committees.

Then, Shri Tata tried to mislead the Committee.

Kindly see page 33 of the report, and what Shri Tata, in reply to Shri George Fernandes stated. I am only quoting a part of it:

" . . . When I learnt the manner in which they had been treated, bullied, threatened, their remarks were brushed aside,—they were

treated with total lack of consideration—that at least gave me the impression that it would be unlikely that there would be a fair judgement in the Report on Air India. But that is all. It is only after I read the Report that my indignation and my feelings were aroused and after Mr. Jyotirmoy Bosu himself had given an interview to 'Blitz', even before the Report had been studied by Parliament or even by the Government. He himself, not as the Chairman of the Committee on Public Undertakings but as an individual goes to the press, goes to 'Blitz' which is known to be a sensation-mongering paper and gives evidence in which he discloses.

He forgot conveniently that I, if I remember correctly, ceased to be Chairman of the Public Undertakings Committee on 30th April, 1979 and this is dated May, 1979. Knowingly he did this. Now, I will tell you what he said in reply to Shri Shiv Shanker. I am very glad. I must confess, here, I am very critical of him on certain things, but I must appreciate him for this. . . . (Interruptions).

All right, I condemn him for doing his job properly.

MR. DEPUTY-SPEAKER. Mr. Bosu, they learnt this laughter only from you.

SHRI JYOTIRMOY BOSU: Sir, I should receive royalty from each of them.

Sir, Shri Shiv Shankar says:

"I am asking a very general question. Were you aware or were you not aware, before 28th May, 1979—that is, the date on which you gave the press interview—that any remark derogatory to the honour of the House or its Committees or its Members amounted to a breach of privilege? I am asking a very general question: I am not asking anything with reference to your remarks."

In reply Shri J.R.D. Tata says:

"I would certainly be aware, as an Indian citizen of some reasonable education, that any remarks derogatory to Parliament are not acceptable...."

That is the point. Then Shri Shiv Shankar asks:

"Then, may I ask the question as to what prevented you from coming forth with an unconditional apology before this Committee at the time you addressed a letter to the Speaker himself?"

Shri J.R.D. Tata replies:

"I do not entirely understand what you mean by 'unconditional apology'."

Look at this operative part.

"If by unconditional apology" you mean, in fact; apologising for giving an interview, for defending Air India; for countering the totally wrong arguments or totally unfair criticism of Mr Bosu and his attitude towards the staff of Air India, who could not defend themselves well, I was not prepared to give any such unconditional apology."

Can you imagine that? Where is the reflection in the Report? Where is it reflected in the Report?

Then it was raised in the Sixth Lok Sabha. Again I raised it in the 7th Lok Sabha on 29th January. The Speaker sent it to the Privileges Committee on 2nd February. Sir, they concluded taking evidence on 6th of September, 1989. Eight months passed and nothing happened. And the draft was adopted on 5th May, after eight months and it was laid on the last day of the House of the last Session, which was 'free-for all day'. And only cyclo-styled copies were available. They were available only very few in number. With great difficulty I got a copy. Press could not get it. And of course, the Tata lobby overnight vigorously worked to see that nothing came in the Press; and they succeeded. And the

Parliament was undermined. After hurling such scathing insults on the House, he gets away with it because there is money behind it.

I lastly appeal to the House through you. We have on numerous occasions jailed the poor unemployed people who threw leaflets from there and shouted slogans. Here is a case, a person who has booed before the Committee and did not even say: "Yes, I unconditionally tender apology for all that I have done. That ends the matter." But he takes recourse, he consults his galaxy of lawyers—French, English, Latin and Greek all mixed up beautifully.

Sir, we cannot take a lenient view of this thing. This House is a sovereign House in the present socio-economic structure. This House represents the views and wishes of the 650 million people. If a man because of tremendous money power has the check and courage to come and boo this House to get away unscathed and unpunished I do not know what will happen to this House in the not very distant future.

I would appeal to the House that on this occasion we need not be guided by party consideration. I am not saying Tata friends are sitting here to vote against this Motion. I would request let us take it as insult on the House and on all of us and to support this Motion.

MR. DEPUTY-SPEAKER: Shri Ra-sheed Masood.

SHRI JYOTIRMOY BOSU: Sir, he cannot speak.

SHRI HARINATHA MISRA (Dar-bhanga): Sir, I am the Chairman. I should be allowed to speak.

MR. DEPUTY-SPEAKER: Let the Member speak. You can reply afterwards.

SHRI JYOTIRMOY BOSU: Sir, I would like to correct you. I am under the impression that nobody belonging

to this Committee who has sat on judgment or pronounced judgment has freedom to speak.

MR. DEPUTY-SPEAKER: There is no such convention. You will speak after the Member has spoken.

Do you refer to Mr. Indrajit Gupta also?

SHRI JYOTIRMOY BOSU: No, no; only, the Chairman, I said: not any member. (*Interruptions*).

MR. DEPUTY-SPEAKER: Mr. Hari-natha Misra, there is no such convention. So, you can proceed.

Motion moved:

"That this House do consider the First Report of the Committee of Privileges presented to the House on the 8th May, 1981."

SHRI INDRAJIT GUPTA (Basirhat): I am under a disadvantage, because I have not been fortunate enough to be able to read that cyclostylec report which he referred to, very few copies of which were made available.

MR. DEPUTY-SPEAKER: Printed copies are available now, I suppose

SHRI INDRAJIT GUPTA: Anyway, at the moment we are not on the first Motion. That motion only asks that this report should be taken into consideration. We are not at the moment pronouncing any judgement on what the conclusions of the Committee were. That question will come, if items 11 and 12 are taken up—certainly. At the moment, as Mr. Bosu has argued, there is a lacuna, there is a gap between the evidence which is on record, published evidence and the findings of the report of the Committee. He wants to say that the evidence is not properly and duly reflected in the findings of the Committee. And that, I think, is quite a serious thing, because Mr Bosu was himself the chairman of the Public Undertakings Committee which con-

ducted this enquiry into the affairs of Air India.

And after that, this question of privilege against Mr. J.R.D. Tata was brought in this House. The motion was moved, and it is obvious that there was *prima facie* evidence of breach of privilege, otherwise, it would not have been referred to the Committee of Privileges. It was sent to the Committee of Privileges. Was it voted in the House—whether it should go or not? It was sent, I suppose the Speaker also felt at that time that there was a *prima facie* case to refer it. That is how it went to the Privileges Committee. Then the Privileges Committee has given its report

Mr. Bosu's contention is that the evidence which is on record is not duly and properly reflected in the report of the Committee. Particularly as I understand it, he means—he has quoted some passages—that Mr J.R.D. Tata in some places tried to offer a qualified kind of apology but certainly not an unconditional apology because he said in so many words which are recorded in black and white 'I don't propose to make an unconditional apology.' But all of us know, because the Press had published at great length at that time, particularly that part of the Press which is owned by Mr. Tata who is, after all one of the top monopolists in this country. While reading what he said, one felt that he was saying something—whether intentionally or unintentionally I do not know we cannot go on questioning motives here—out what he said certainly amounted to something which was very derogatory to the dignity and rights of this House. You know very well that if something is said by somebody outside this House against the conduct of even one Member of this House, let alone the totality of the Members or any Committee of this House—and any reflection is cast on it—he is eligible to be hauled up for breach of privileges; and certainly he had said such things. Mr. Bosu has quoted some of the things. There are so many things which I recall now, which had appeared at that time in the Press—in which Mr. Tata had adopted

certainly a most contemptuous attitude towards Members of Parliament and said that they stooped so low, they did this, they do that etc. That may be his private view, but he has no business to issue a public statement like that. And it certainly comes within the mischief of privilege.

Therefore, the matter must have been referred to the Committee—for that reason. Now, whether the report of the Committee, or the findings of the Committee, properly reflect that or not, is the point. And since the question has been raised, it cannot be settled just by an exchange of remarks here. It can only be settled and decided if the House is given an opportunity to take a proper and considered view of the whole matter. That is why we are pressing it for consideration. I had this feeling for all these years I had been here that unfortunately in our Parliament the business of Parliament is conducted in such a way that may be there is no other alternative unless we change the rules of procedure and all that. All these valuable Reports, so many Reports of these Committees, major Committees of this House, whether it is the Public Accounts Committee or the Estimates Committee or the Committee on Public Undertakings, are never discussed in this House. They are beautifully published, printed and circulated to the members and kept in the Library. I think except on one or two occasions, the House never got an opportunity to discuss any of these Reports. We are not able to do it the way we function at the present moment; the way rules and procedure are drawn up and followed by us.

I had raised this point many times in the past that some provision should be made in this regard. But here now a question has come up of a specific instance of a Report of the Committee of Privileges; and the senior member who himself was the Chairman of the Committee on Public Undertakings which had conducted this enquiry makes this serious charge that the evidence on record is not reflected in the Report of the Committee and, there-

fore, the matter should be taken into consideration. What does it mean? It is not pronouncing a judgment on it. It means the House should be given an opportunity to discuss and decide whether the evidence on record is or is not reflected in the findings of the Committee. How can that be done unless we are given an opportunity to have a discussion on it. Therefore, I think the demand he had made about the motion is most logical and reasonable. I hope that the motion will be accepted.

SHRI A. NEELALOHITHADASAN NADAR (Trivandrum): This is a very serious matter as far as this House is concerned. The Committee of Privileges, according to the proceedings, has failed to carry evidence recorded in its letter and spirit while the Report was finalised. As was pointed out by Mr. Bosu, Shri J.R.D. Tata even refused to answer the specific question put forward by Mr. Venkatasubbaiah and said that he had nothing to add in evidence. It is a serious matter. When this matter was brought to the notice of the Speaker, the Speaker had seen some relevance in it and, therefore, he had referred it to the Committee of Privileges. It is a serious matter which should be debated in this House. So, the motion moved by Shri Bosu for considering the Report in toto in the background of the evidence recorded is a thing which has to be accepted unanimously by the House. I hope the House may give the permission to move the motion if there is no member in this House who is being controlled by Tata or any party which is being controlled by Tata. I request all members of the House and the parties to support this motion favourably.

SHRI JAGAN NATH KAUSHAL (Chandigarh): Mr. Deputy Speaker, the main point made by Mr. Bosu is that the evidence recorded is not being reflected in the Report. I am afraid, either he has not read the report correctly, or he is not trying to understand the report. May I bring to the notice of the House, what the Committee has said?

[Shri Jagan Nath Kaushal]

"While what has been quoted above would reflect the urge of Shri Tata to sincerely uphold the dignity of Parliament, its Committee and the Members, it cannot be overlooked that his evidence at of places bristles with slight contradiction. The Committee feel that his evidence should be read and construed as a whole rather than portions being torn out of context. It is in this context that the Committee think it appropriate to arrive at a proper conclusion after taking all the facts into consideration."

Now, my friend just cannot say that the Committee has not taken into consideration the entire evidence and may I again bring to the notice of the House that while my learned friend on the other side was trying to read some portion at page 35, he stopped short in the middle of the answer which is very unfortunate? He stopped short here

'I was not prepared to give any such unconditional apology

and in the next sentence he says,

"But I did make, and still make and can make at any time, an apology unconditionally. In fact, I used the word 'unconditional' in regard to the "

So, it is very unfair to the House. (Interruptions) And now, may I with the permission of the House, again bring a very relevant consideration which is reflected at page 35? The first—very first—question which was put to Mr. Tata by Shri Shiv Shankar was,

'Have you got anything more by way of your explanation or written statement to the notice that is issued to you? Perhaps you are aware that in paragraph 4 of the Notice that has been issued to you, you are called upon to file a statement if you so like. We would like to know whether you would like to make a further statement or you say what you have written is sufficient.'

And he states by giving an answer,

'I have nothing to add, in view of the letter I wrote to the Speaker in July 1979, which I supplemented with a letter of 1st February, 1980, except to express sorrow.'

AN HON MEMBER: Read the next sentence.

SHRI JAGAN NATH KAUSHAL. There is no sentence after that' In the next sentence only the Chairman puts a question. So, what happened was, I am reading page 32. (Interruptions)

May I bring one more fact to the notice of the House? And that fact is that a letter was written by Shri Jethmalani. Kindly have a look at the contents of that letter. Mr. Jethmalani had written a letter by saying that I will not be able to attend the meeting of the Committee on one specific date on which this matter will be gone into "

Whether the later Parliament can take notice of what happened at the time of earlier Parliament, on that he gave an answer, "Yes, it can."

But then he immediately writes.

"While I am of the view that this House has jurisdiction to deal with this contempt, I am equally of the view that on the facts on action is called for against Mr. Tata. The House must respect the liberties of ordinary citizens and its power must be invoked only in grave cases having a substantial impact upon, the working of the parliamentary form of Government. This case does not in sense qualify for the exercise of our contempt power."

May I bring one more fact to the notice of the House? This is a unanimous report of that committee and the committee has taken this fact into consideration. One very important sentence in the report is this:

"The Committee feel that it adds to the dignity of one and all if power is

a democratic system is exercised with restraint; the more powerful a body or institution is, the greater restraint is called for particularly in exercising its penal jurisdiction.

The Committee are of the view that, considering the totality of the facts and circumstances of the case, including the apology tendered by Shri J. R. D. Tata during his evidence before the Committee, the House would best consult its own dignity by taking no further notice of the matter."

I would, therefore, appeal to the House that as Shri Gupta has pointed out, as in the past, the convention is that when the report is placed on the Table of the House and when the report says that no further action need be taken, that is an end of the matter. Therefore, my submission to the House is—I am saying it with all sense of responsibility—each member of the committee had gone into the whole matter dispassionately with a view to maintain the dignity of Parliament and I repeat that the dignity of Parliament can be maintained when Parliament acts with restraint. The man is coming forward not at one place but at five places and says, "I am tendering an apology." As we all know—those who practise in courts know—that apology always purges the mistake which a man has made and the committee felt satisfied that no further action need be taken.

SHRI CHITTA BASU (Barasat):
Sir, the ultimate recommendation of the privileges Committee is:

"The Committee are of the view that considering the totality of the facts and circumstances of the case, including the apology tendered by Shri J. R. D. Tata during his evidence before the Committee, the House would best consult its own dignity by taking no further notice of the matter."

All along it has been stressed whether Mr. Tata tendered an unconditional apology. I have got no time to go into

details. If you go through the evidence, you will find that attempts were made by the members of the committee to request him to tender an unconditional apology. Instead of doing that, he conditions his apology with ifs and buts.

15.00 hrs.

On the other hand, the evidences clearly show that Mr. Tata was taking an adamant attitude and a view which is derogatory to Parliament and to the Committee I do not want to use strong language. But it was not fair to the politicians and to those who have got some ideological moorings. Mr. Tata questions the very manner of the working of the PUC and the former chairman of the PUC Mr. Tata says:

"The manner in which the proceedings were conducted virtually by the Chairman alone in the total absence of other Members and therefore, without the prescribed quorum was an inquisition rather than an inquiry."

Here he insults the Committee. The charges are very clear that the Chairman of the Committee did not function in a team spirit, did not allow the Members of the Committee to exercise their own right and that he acted in a dictatorial manner. Then he says that it was not an inquiry but an inquisition. The Committee was the Committee of Parliament. That Committee has got certain prestige. It has got the sanction of Parliament. And one Mr. J.R.D. Tata a citizen of our country, questions the very manner of functioning of this Committee and the method in which the Chairman functioned in that Committee. He also says that the proceedings of the Committee were conducted without requisite quorum. Is it not an aspersion? Is it not a breach of privilege? Is it not contempt of the House? But unfortunately, the Privileges Committee produced a report which does not defend the prestige and honour of the House.

SHRI JYOTIRMOY BOSU: Adequately!

SHRI CHITTA BASU: They have not done that even inadequately. That is my grouse.

MR. DEPUTY-SPEAKER: Can you cast an aspersion on a Committee of Parliament? Perhaps you are referring to what Mr. Tata has said.

SHRI CHITTA BASU: I am quoting from the statement of Mr. Tata.

MR. DEPUTY-SPEAKER: Your speech would have been the best speech if you could have met some of Mr. Kaushal's points.

SHRI CHITTA BASU: What is the motion? Mr. Jyotirmoy Bosu says that the view as has been expressed in the evidences, has not been properly reflected in the Report of the Privileges Committee.

My point is, this has not been adequately reflected in the final report. In addition to this, I have pointed out to you in what way Shri J.R.D. Tata behaved to the Committee. Therefore, in all fairness, the motion of Shri Jyotirmoy Bosu should be adopted and the entire House should consider the report in all its fullest detail so that the House can do justice to this matter.

MR. DEPUTY-SPEAKER: Shri Harinath Misra. He is the last speaker.

SHRI HARIKESH BAHADUR: Sir, I want to speak.

MR. DEPUTY-SPEAKER: Your party has been represented by Shri Nadar.

SHRI HARINATHA MISRA: Sir, I listened particularly to the speech of my dear friend, Shri Jyotirmoy Bosu.

SHRI JYOTIRMOY BOSU: Nothing personal against you.

SHRI HARINATHA MISRA: I have noted that also....

SHRI JYOTIRMOY BOSU: So kind of you.

SHRI HARINATHA MISRA:..with the attention that it deserves. My impression was that he quoted some sentences from the evidence of Shri Tata and relevant papers out of context in order to reinforce his pet views. My other friends, while not saying so in a straight forward manner, attacked the Committee of Privileges as well.

I would draw your kind attention to page 24 of this Report, the minutes of the sitting of the Committee, where this decision was taken—Para 3 reads:

“After considering all aspects of the case, the Committee decided to recommend to the House that the apology tendered by Shri J. R. D. Tata during his evidence before the Committee on 12 July, 1980, be accepted and the matter be dropped.”

Now, respectfully I would like to draw your attention and the attention of this hon. House to the members who were present at this sitting. Of course, as the Chairman, I presided over the sitting. Who were the other Members present? They were Shri R. L. Bhatia, Shri R. R. Bhla, Shri Somnath Chatterjee, Shri G. L. Dogra, Shri George Fernandes, Shri Ram Jethmalani, Shrimati Sheila Kaul, Shri Jagan Nath Kaushal, Shri A. A. Rahim, Shri P. Shiv Sankar, Shri Dharam Bir Sinha and Shri Vijay Kumar Yadav. Out of the 15 members, 13 were present, including the representative of the party of my esteemed friend, Shri Jyotirmay Bosu, namely, Shri Somnath Chatterjee, who is known for his legal acumen and is one of the leaders in the field. Now, I am not speaking about the members belonging to the Congress(I). Another member was Shri George Fernandes, belonging to Lok Dal. Then there was Shri Ram Jethmalani of the BJP, Shri Dharam Bir Sinha of the then Congress(U) and Shri Vijay Kumar Yadav of the CPI. . . (Interruptions) I would particularly draw the pointed attention of my friend, Shri Indrajit Gupta to this fact. And till today—two other Mem-

bers were absent—no note of dissent has been received.

AN HON. MEMBER: Up till now?

SHRI HARINATHA MISRA: Up till now. Naturally, the implementation is that the Committee unenimously took the decision.

श्री विजय कुमार दादव (नालन्दा) : मैंने दिया था ।

(Interruptions)

SHRI JYOTIRMOY BOSU: Sir, I am on a point of order. The House is being misled. Here is the Member, the Chairman, who is saying no note of dissent is received....

MR. DEPUTY-SPEAKER: He is participating only as a Member of Parliament.

SHRI JYOTIRMOY BOSU: He says there is no note of dissent. Let it be recorded properly and the tape preserved.

(Interruptions)

MR. DEPUTY SPEAKER: Please sit down.

SHRI HARINATH MISRA: Now, Sir, after... (Interruptions). Kindly let me have my say.

(Interruptions)

MR. DEPUTY-SPEAKER: Order, order please.

SHRI HARINATHA MISRA: Mr. Jyotirmoy Bosu has paid left-handed tributes to at least two of my friends, Shri Shiv Shankar and Shri George Fernandes. He has quoted some extracts from their remarks and replies thereto by Mr. J. R. D. Tata.

I would also, with your permission, like to quote some extracts from Mr. J. R. D. Tata's evidence. For example, I will read from pp. 30—34 of the Report as follows:—

“SHRI GEORGE FERNANDES: You say, you stand by every word of the letters that you have written on 3rd July, 1979 and 1st February, 1980. In your letter of 3rd July, 1979; paragraph 4; it is stated:

“I deeply regret, however, that I did not make it clear that my comment about the misuse of the machinery of Parliament and other criticisms of the Report and the manner in which the inquiry was conducted were directed not at the Committee as a whole but only at Shri Jyotirmoy Bosu who as Chairman of the Committee took upon himself virtually alone the task of conducting the inquiry and examining witnesses.”

Firstly, are you aware that anything that is directed against the Chairman is, in fact, addressed to the Committee itself?

SHRI J. R. D. TATA: I realise that now; perhaps, I did not realise it adequately at that time.

SHRI GEORGE FERNANDES: You still stand by this letter?

SHRI J. R. D. TATA: I have expressed regret to the extent that I did not realise that it could be interpreted that way. I did not realise that my remarks would be interpreted that way. I have expressed regret and unconditional apologies for that.”

Sir, could one's regrets and apologies be expressed and tendered in a more categorical manner? I would like Mr. Jyotirmoy Bosu to ponder over this matter.

Again, he has referred to our Law Minister, Shri Shiv Shankar's remarks. I am quoting from pages 35-36. I quote:

“SHRI P. SHIV SHANKAR: Did you or did you not say:

“It provides its own sad evidence on how far or, shall I say, how low

[Shri P. Shiv Shankar]

some elected representatives of the people are prepared to go to satisfy their political or ideological ends, respective of the harm and loss of prestige thereby caused not only to those so unfairly attacked but also to the public sector as a whole.'

Did you say this or did you not say this?

SHRI J. R. D. TATA: I said this, undoubtedly, and I have apologised for it."

MR. DEPUTY-SPEAKER: You can conclude now.

SHRI HARINATHA MISRA: I have to reply. If you ask me to sit down, I will sit down. I am paying Mr. Jyotirmoy Bosu in his own coin. You should give me some more time so that he is paid adequately.

The apology is clear and unequivocal. Lastly, I would quote another extract:

'SHRI P. SHIV SHANKAR: Last question. Hereafter, my colleagues may consider asking questions.

Though apology would not be a weapon of defence, do you even at this stage feel that what you have said is wrong and are you prepared to tender your unqualified and unconditional apology for the words used and about which you have been given notice that they are derogatory to the honour of the Committee and the Members?

SHRI J. R. D. TATA: Of course, I thought I had done so. I unconditionally withdrew them and I unconditionally apologised for them.

"Undoubtedly so. In my ignorance purely as a citizen and as a businessman, did not realise that these words could be interpreted as an attack on the Parliament and withdrew them."

No words of elucidation are necessary from me.

We have already listened to the eloquent speech of my esteemed friend, Shri Kaushal. After becoming the Chairman of the Committee of Privileges, I have availed of the opportunity to go through as much of literature as possible on the functioning of the Committee and the spirit behind the functioning of the Committee. I for one have found that whenever a contemner has appeared before the Committee and expressed regrets or apologised, the Committee has been generous to accept the apology.

Mr. Wintson Churchill towards the end of the Second World War once said: in victory, magnanimity. Whenever the House of Commons or this House has been faced with a contemner offering apology or regrets, the House has always been magnanimous and has always risen to the majesty forgiving and forgetting and not proceeding further in the matter.

One word more and that is for my esteemed friend, Shri Jyotirmoy Bosu. The trouble with Shri Jyotirmoy Bosu is that he appears to suffer from a spirit of revenge. In fact, his own anger against and hatred for a particular person has been consuming him and burning him. And do you know what anger, in the Ultimate analysis, may give rise? To quote from Geeta:

क्रोधान् भवति सम्मोहः

सम्मोहात् स्मृति विभ्रमः

स्मृतिभ्रंशात् बुद्धिनाशान्

बुद्धिनाशान्

I do not want to Complete the line. Anger gives rise to bewilderment. From bewilderment arises confusion and confusion kills the intellect. After the intellect is killed,— I do not want to say more. for one would like Mr. Bosu to live for long long years in order that he may.

fight with us within the House, he may fight with us outside the House but, always with a sense of proportion. I thank you.

MR. DEPUTY-SPEAKER: I make it very clear that he has not participated as the Chairman of the Privilege Committee. (*Interruptions*).

I am not allowing anybody. He is going to reply. Mr. Bosu will reply. (*Interruptions*).

As a Member, he cannot participate. If he wants to have any personal explanation, he can write to the Speaker. (*Interruptions*).

Mr. Bosu has a right to reply. He will reply. (*Interruptions*)

No, if he wants to have any personal explanation, on the speech made by Mr. Misra, he can write to the Speaker and it will be allowed. I am not allowing. Mr. Bosu.

SHRI JYOTIRMOY BOSU: Sir I am very pained to hear certain things firstly about Mr. Yadav who is a Member of the Committee, who says that "I have sent a note of dissent in writing". But what does the Chairman say? I do not know whether it is lose of memory. I hate to believe that Shri Misra would say on the floor of the House that he did not give a note of dissent. Let me kindly take the liberty of bringing certain things before the House, Fortunately or unfortunately, whether you like it or not, I have been Chairmen of three Committees at least, Public Accounts Committee, Public Undertakings Committee and Petitions Committee. This is on record. How? Because the House had elected me.

In the parliamentary standing committees—I am not talking of select Committees; I am not talking of others there is no scope for a Member to give a note of dissent. There is no scope for voting. There is no scope for division. If you can show me one

example, then I shall certainly take it as an education. Therefore, Mr. Misra, you are a new Member to the House, you had been the Speaker of Bihar, you are a respected and loved Member of the House, I am not flattering you, what you are saying has no legs to stand upon.

SHRI INDRAJIT GUPTA: It is never accepted.

SHRI JYOTIRMOY BOSU: It is never accepted, and the Committee is never divided; no voting in the committees. (*Interruptions*) No, no, you cannot. Nothing goes on record.

PROF. N. G. RANGA (Guntur): If Members dissent, we have already reported it several times I myself have been the Chairman of the Public Accounts Committee.

SHRI JYOTIRMOY BOSU: Sir, I want to say, Chairman Sahib,

मेहरबानी कर के हाउस को यह बताइये ।

Kindly enlighten the House. When you closed your evidence in September, 1980, why the reports had to wait till May, 1981, and why that had to be presented on the last day of the Session which is no man's day, 'free-for-all'. Why is it that a cyclostyled report was submitted and why is it that it was not made available to the press? This speaks for itself. I do not want to divulge—divulge—Shri Somnath Chatterjee's name has been dragged. We are very proud of him. But we know; he has divulged to me about certain things which I cannot divulge in the House because these things are not done. One single man or two persons or three persons could do nothing in a Committee where Mr. Tata was having upper hand, in many places. I do not want to cast any aspersions on the Committee. I am casting no aspersion.

MR. DEPUTY-SPEAKER: He is, not casting any aspersion.

SHRI JYOTIRMOY BOSU: I am casting no aspersion. I have a great regard for the Chairman. Do not compel me to say things because I know exactly what happened in this Committee.

* I wish Mr. Harinatha Misra had been good enough to tell the House why it took eight months to finalise the draft of a few pages, why he had to wait till the last day of the Session, why is it that printed copies in sufficient numbers were not available, why the press had totally drawn a zero the next day for such an event I would like to write a biography as to what happened, who was approached and what was done.

Mr. Kaushal, I remember the assistance that you were rendering to Mr. Palkhiwala in the Supreme Court...

MR. DEPUTY-SPEAKER: Please see me and address me.

SHRI JYOTIRMOY BOSU: I see you with one eye and see him with the other eye.

PROF. MADHU DANDAVADE: That means, he is winking at you, Sir!

SHRI JYOTIRMOY BOSU: He is such a handsome man!

Mr. Kaushal is a professional lawyer—I have been in Delhi for 15 years and, therefore, my pronunciation has changed. Do not take it otherwise. Mr. Kaushal, you have done wonderful tight rope dancing—three steps forward, one step backward; one step forward, three steps backward. Let me ask one question, Mr. Advocate. If Mr. Tata, from the core of his heart, had meant tendering an unconditional apology, what was the necessity for him to say this—this is on page 35:

“...If, by ‘unconditional apology’ you mean, in fact, rapologising for giving an interview, for defending Air India; for countering the totally wrong arguments or totally unfair criticism of Mr. Bosu and his

attitude towards the staff of Air India who could not defend themselves well, I was not prepared to give any such unconditional apology.”

Why should he say that, Mr. Advocate? If I want to be hanged, I do not want to be hanged through a lawyer like you. That is all I can say...

SHRI JAGAN NATH KAUSHAL: You will be hanged by your own deeds.

SHRI JYOTIRMOY BOSU: Mr. Haryana hero, I was in solitary confinement for three months at Hissar. You were then dancing around Mr. Bansi Lal, I remember those days.

MR. DEPUTY-SPEAKER: No personal accusation.

SHRI JYOTIRMOY BOSU: He has gone to the extent of pointing out that the Committee had no quorum, the Committee was not functioning properly. I have every faith in the Lok Sabha Secretariat that they will not allow any irregular thing to be done by a Committee; they will observe all the rules; they will ensure that they get the quorum in black and white if anybody challenges the quorum. On how many occasions did I have to adjourn meetings because the quorum was challenged? If there was no quorum, it was upto the Members to say that there was no quorum. I was bound to adjourn. Therefore, that is totally unfounded.

I am putting it to the House. Mr. Tata, knowingly, deliberately, through the money-power that is working in his head, has undermined this House, denigrated the House in the eye of the people, belittled all of us in the eye of the people. Therefore, let us not have party considerations here. Let us be one. How many times have you jailed young men, unemployed, poor, young men for throwing leaflets from there or for shouting one slogan? On how many occasions during the last 20

years have you done this? And here is a case where he says that 'the MPs. are a bunch of nitwits'—so low, so mean, so wicked, so malicious, so mischievous. I just cannot understand this. The man who has 'the taste to use such a language openly is getting one-sixth of the full page of a newspaper—because of money-power:

Therefore, I do not want to take more time of the House. I would beseech the hon. Members in this House at least to safeguard their own image and face before the people and not be misguided by party, political or other considerations. (*Interruptions*).

MR. DEPUTY-SPEAKER: The question is:

"That this House do consider the First Report of the Committee of Privileges presented to the House on the 8th May, 1981."

Those in favour will please say 'Aye'.

SOME HON. MEMBERS: 'Aye'.

MR. DEPUTY-SPEAKER: Those against will please say 'No'.

SEVERAL HON. MEMBERS: 'No'.

MR. DEPUTY-SPEAKER: I think the 'Noes' have it the 'Noes' have it.

SOME HON. MEMBERS: The 'Ayes' have it.

MR. DEPUTY-SPEAKER: Let the lobbies be cleared.... Now, the lobbies have been cleared. I shall put it again. The question is:

"That this House do consider the First Report of the Committee of Privileges presented to the House on the 8th May, 1981."

The motion was negatived.

15.35 hrs.

INCOME-TAX * (AMENDMENT)
BILL—contd.

MR. DEPUTY SPEAKER: Next item, Mr. Venkataraman.

THE MINISTER OF FINANCE (SHRI R. VENKATARAMAN): Sir, I beg to move:

"That the Bill further to amend the Income-tax Act, 1961 be taken into consideration."

Sir, the Income-tax (Amendment) Bill, 1981 was introduced in this House on 24th April 1981. The Bill has thus been before the hon. Members for over three months and I have no doubt that they would have examined its provisions in detail. However, with the indulgence of the House, I shall avail of this opportunity of explain the background and the main provisions of the Bill.

15.35 hrs.

[Mr. GULSHER AHMED *in the Chair*]

Undervaluation of property has been one of the foremost means of evading wealth-tax, capital gains tax and stamp duties. It is also an important avenue for the circulation of black money. With a view to countering evasion of tax through understatement of the value of immovable property, the Taxation Laws (Amendment) Act, 1972 inserted Chapter XXA in the Income-tax Act, to empower the Central Government to acquire immovable properties, including agricultural land, having, a market value exceeding Rs. 25,000, in cases where the consideration declared in the instrument of transfer, is less than the fair market value of the property, on the date of execution of the instrument of transfer. This power is available only in cases where there is reasons to believe that the consideration agreed to between the parties has not been truly stated with a view to evasion of tax by the trans-

*Moved with the recommendation of the President.