by the High Commission of India (Supply Wing), London and Embassy of India (Supply Wing), Washington, for the year ending 31st December, 1976. [Placed in Library. See No. LT-1736/78].

ANNUAL REPORTS OF POST-GRADUATE INSTITUTE OF MEDICAL EDUCATION AND RESEARCH, CHANDIGARH AND HINDUSTAN LATEX LTD., TRIVANDRUM FOR 1976-77

स्वास्थ्य ग्रोर परिवार कत्यारा मंत्रालय में राज्य मंत्री (श्री जगदम्बी प्रसाद यादव) : मैं निम्नलिखित पत्र सभा पटल पर रखता हूं :

> (1) स्नातकोत्तर चिकित्सा शिक्षा तथा स्रमुसन्धान संस्थान, चण्डीगढ़ ग्रीबिनियम, 1966 की धारा 19 के अन्तर्गत स्नातकोत्तर चिकित्सा शिक्षा तथा स्रमुमन्धान संस्थान, चण्डीगढ़ के वर्ष 1976-77 के वार्षिक प्रतिवेदन (हिन्दी तथा अंग्रेजी संस्करण) की एक प्रति।

[Placed in Library. See No. LT-1737/78].

(2) कम्पनी स्रधिनियम. 1956 की धारा 619 क की उपधारा (1) के ग्रन्तगंत हिन्दुस्तान लेटेक्स लिमिटेड. वर्ष 1976-77 के वर्णिक प्रतिवेदन (हिन्दी ग्रंग्रेजी तथा संस्करण) की एक प्रति, लेखा-परीक्षित लेखे तथा उन पर नियंत्रक महालेखापरीक्षक टिप्पणियां ।

[Placed in Library. See No. LT-1738/78].

NOTIFICATION UNDER CUSTOMS ACT,

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI ZULFIQUARULLAH): I beg to lay on the Table a copy of Notification No. 62/78-Customs (Hindi and English versions) published in Gazette of India dated the 9th March, 1978, under section 159 of the Customs Act, 1962 together with an explanatory memorandum. [Placed in Library. See No. LT-1739/78].

12.48 hrs.

MESSAGE FROM THE PRESIDENT

MR. SPEAKER: I have to inform the House that I have received the following message dated the 7th March, 1978 from the President:

"I have received with great satisfaction the expresssion of thanks by the Members of the Lok Sabha for the Address which I delivered to both Houses of Parliament assembled together on the 20th February, 1978."

12.49 hrs.

RE REPORT OF THE INQUIRY COMMITTEE ON SHRI JAYAPRAKASH NARAYAN'S TREATMENT

SHRI KRISHAN KANT (Chandigarh): Last week we said that the JP report should be placed on the Table of the House and there was discussion about it day before yesterday. Your direction was that the Health Minister should lay it on the Table of the House. It has not yet laid. The Health Minister is here. Let him say something on that.

SHRI K. P. UNNIKRISHNAN (Badagara): We object to that because....(Interruptions).

MR. SPEAKER: Mr. Raj Narain.

SHRI VASANT SATHE (Akola): Is that matter on the agenda?

MR SPEAKER: Yesterday some Members raised the question that the Health Minister

SHRI VASANT SATHE: In the Rajya Sabha?

MR. SPEAKER: No, here; I am not concerned with Rajya Sabha.

SHRI VASANT SATHE: It has to come on the agenda and we know what it is; you cannot have a surprise. This thing has been so scandalous in the country. Interim report is taken and medical doctors are being pressurised. He has threatened the medical profession. heaven's sake do not do anything contrary to the rules. It should be on the agenda.

SHRI K. P. UNNIKRISHNAN: he prepared for a judicial enquiry? If he wants to answer that point, yes, because it was done by a doctor, for whom I have great personal regard. but who has not been, as you are probably aware, a practising doctor at all for several years. Nor has ne any competence in the field referred to him. It is not proper that the calumny should go on about the reputed medical profession of this country, and particularly the one belonging to a very high reputed institution. That is why I object to the laying of this report on the table of the House. We want to know whether he is going to... (Interruptions)

SHRI KRISHAN KANT: Whether there should be a judicial enquiry or not, that is a different thing. When the House discusses the Report. the Members are free to demand an enquiry. We may agree to that. this attempt to see that the report does not see light of day is a conspiracy, to see that JP's treatment is not brought out. We will not agree to

it, whatever they may say. The Minister is here. The Speaker has given a direction. There is no rule which says that the Speaker can taken back the direction, the Minister is bound by his direction,

SHRI VASANT SATHE: We want a full judicial enquiry and we want them to place the full report. We are willing for that. (Interruptions).

AN HON. MEMBER: They must tell the people what they are going to do.

SHRI VASANT SATHE: It is not even worth the paper....

ग्राए इन्टेरिम रिपोर्ट क्यों दे रहे हैं ? इसके खिलाप डाक्टर्स ने प्रोटेस्ट किया है । (ग्यवधान)

SHRI KRISHAN KANT: The direction of the Speaker must be implemented. (Interruptions) These people want to conspire....

(Interruptions)

SHRI C. M. STEPHEN (Idukki): I am on a point of order. There are certain rules and regulations governing the matter of laying anything on the Table of the House; not any paper can be laid on the Table of the House. This is said to be an Enquiry Report and I presume that it was an enquiry under the Commissions of Inquiry Act_may be. If that is so, the Section stipulates that the Report must go to the President and that a copy of the report will be caused to be placed on the Table of the House. This is not such a report at all. This is an interim finding arrived at and the full Report has not come at all. It has not taken the shape of a document which has to go to the President to be considered; then only a report prepared under that can be placed on the Table of the House under the provisions of the Commissions of Inquiry Act. The second point is that even if any paper has got to be placed on the Table of the House, it must come

on the Order paper. In the order paper, it has not come. Therefore, it cannot be placed on the Table of the House. Under these two counts it cannot be placed on the Table of the House. The third point is that if Mr. Raj Narain wants to make a statement then the statement is to be made only under a particular Rule-Rule 372 This is not a statement that is permitted under Rule 372 because this is not a matter which can be defined as a matter of public importance. If that is so, the matter was here, the matter was raised here and if you in your wisdom thought that the Minister wanted to make a statement, then that also should have come in the Order paper. It is not something which has suddenly happened after sun set last night. This matter was here and presumably you had occasion to consider it and presumably, therefore, you did not find occasion to place it on the Order paper. Therefore a thing which was already before the House which you considered and which stood to be omitted from the Order paper, cannot all of a sudden be permitted to be placed on the Table of the House as a bolt from the blue. Therefore, on three grounds I oppose the placing of this paper on the Table of the House or the making of a statement by the Minister on this matter.

SHRI K. LAKKAPPA (Tumkur): Mr. Speaker, Sir, Even if the Minister, Mr. Raj Narain, wants to make a statement, it is not governed by Rule 372 because it is an interim report.

MP SPEAKER: You are repeating the same thing.

SHRI K. LAKKAPPA: The expert opinion of the country has gone on record in the press. It is such a distorted report which has been given. That is why how do you allow such a report to be placed on the Table of the House? So, we want to oppose it.

SHRI GAURI SHANKAR RAI (Ghazipur): Both of them were parties to that at that time. That is why they do not want this Report to be disclosed.

(Interruptions)

SHRI VAYALAR RAVI (Chirayin-kil): I am on a point of order. Sir, this is a matter which has raised controversy. The Interim Report can be placed if there is need or urgency of action by the Government. There is no such need or urgency of action by the Government. I am putting this further point as part of my point of order was covered by Mr. Stephen already. So, let the interim report not be placed on the Table of the House. That is my point.

SHRI KRISHAN KANT: The way they are doing it shows there is something fishy about it. If that is not the case, then why should they want to hide the report? Mr. Jayaprakash Narayan was in jail when they were ruling and it is this section who are opposing the laying of the report on the Table of the House.

(Interruptions)

SHRI P_s SHANKARANAND (Chikkodi): There should be a judicial inquiry. Don't you trust the judiciary? Say, you don't trust.

(Interruptions)

SHRI B. SHANKARANAND (Chidemand for discussion of the report. We have a right to demand. My dear Sir, why are you afraid:

SHRI K. LAKKAPPA: You are afraid.

SHRI KRISHAN KANT: There is something wrong in it. They want hiding of the report. (Interruptions). You want hiding of something now.

SHRI VASANT SATHE: Sir, this Institute of Chandigarh is one of the best institutes in the world having the best doctors. You are discrediting

[Shri Vasant Sathe]

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them today. This Government should be ashamed. They are trying to discredit the best institute that we have. (Interruptions).

भी कंवर लाल गुप्त (दिल्लो सदर) : पिछले सप्ताह यह सवाल ग्राया था। उस समय ग्रापने कहा था यह बहुत जरूरी चीज है, सारे देश का मामला है। उस समय मंत्री महोदय ने वादा किया था कि सोमवार को हिन्दी व स्रंग्रेजी की रिपोर्ट रखी जाएगी। कल जब श्री कृष्ण कान्त ने सूना दी थी तो ग्रापने वादा किया था कि मंत्री महोदय को कहलवा दिया जाएगा कि म्राज वह रिपोर्ट यहां पर रख दें, जल्दी से जल्दी रख दें। ग्रध्यक्ष महोदय, जहां तक इसका सवाल हैं जय प्रकाश जी देश के सबसे बड़े नेता हैं स्रीर इसमें ऐसे रहस्योदघाटन हुए हैं इस रिपोर्ट में (अवदान)

MR. SPEAKER: Please....I have heard you. I have to hear him also.

13 hrs.

श्री कंवर लाल युग्त : इस रिपोर्ट में काफी रहस्योद्घाटन हुए हैं, मेंसेशनल चीजें निकलने वाली हैं, दूनिया चिकत हो जायेगी। ग्रीर मुझे ताज्ज्व होता है काग्रेस भाइयों पर जो इस चीज का साथ दे रहे हैं, इन्दिरा जी का साथ दे रहे है। वह क्यों डरते हैं। ग्रगर ठीक है तो चीज सामने ग्रानी चाहिए। उस पर परदा डालने की कोशिश क्यों है। म्रापको याद होगा --

MR. SPEAKER: Mr. Gupta, you are travelling outside the point.

श्री कंदर लाल गुप्त: ग्रापको याद होगा उन्हें मारने के लिए तैयारी भी की थी ग्रीर जानबुझ कर जय प्रकाश जी का सर्डर करने की कोशिश की थी उस पर यह परदा डालने की कोशिश कर रहे हैं। सदन चाहता है कि भ्राप मंत्री जी से कहें कि वह रिपोर्ट सदन के सामने रखें।

श्रो बसन्त साठे: जुडिशियल इनक्वायरी करवालें।

श्री मनी राम बायड़ी (मधुरा) : ग्रध्यक्ष जी, मैं ग्रपने माननीय सदस्यों से कहना चाहता हं कि जो विरोध में बैठे हुए हैं वह लोग पक्ष कर रहे हैं मंत्री जी का कि रिपोर्टन रखें, जब कि हम यहां सदन में कह रहे हैं कि रिपोर्ट रखी जाये। सदन की हकतलकी नहीं होनी चाहिए। म्रापको लड़ना है तो बुनियादी सवालों पर लड़िये, जैसे भूख है, बेकारी है। जय प्रकाश जीदेश के

MR. SPEAKER: There cannot be any running commentary.

श्री मनी राम बागडी : कोई वात नहीं है, विरोध पक्ष के लोगों को कुछ न कुछ तो कहना ही है। लेकिन उनको हमारी बात मुननी चाहिए । ग्रध्यक्ष जी, जय प्रकाश जी इस वक्त हिन्द्स्तान के ही नहीं समार की मानवता के प्रतीक हो चके हैं।

(Interruptions)

MR. SPEAKER: Mr. Sathe, you had your say. Why don't you allow others to have their say.

श्री मनी राम बागड़ी श्राप यह कैसे कह मकते हैं। जयप्रकाश जी ऐसे समय प्राये हैं जब हम लोग जेलों में थे ग्रौर हमारे साथी लोग सरकार में थे। लेकिन पटना में लोक नेता जय प्रकाश नारायण जी को फांसी की संजा उनकी फ़र्जी तस्वीर लटका कर दी गई। यह एक तथ्य है। ग्राप उनके बारे में सही बातें क्यों नहीं भ्राने देना चाहते ? <mark>श्रा</mark>पने एक वचन दिया है कि जय प्रकाश जी के इलाज से संबन्धित रिपोर्ट सोमवार को सदन में रखी जायेगी, ग्रौर ग्राज सोमवार के बजाय बहस्पतिवार हो गया

MR. SPEAKER: Let us not go into the merits. We are only on the point of order.

श्री मनी राम बागडी: राज्य सभा के ग्रन्दर पहले जवाब देते हैं मंत्री जी, जब कि यह सवाल उठाया गया था लोक सभा में। ग्रीर डाक्टरों ने वहां से ग्रपना कोई भेजा है लिख पढ कर कि जुडिशियल इनक्वायरी हो जब कि लोक सभा में यह रिपोर्ट माने को हुई तब डाक्टरों में खलबली मची हुई है। ग्रभी तक पूरानी सरकार की प्रानी नौकरशाही माजूद है। यह वहीं तत्व है जिसने हम को जेलों में डाला ग्रीर तुम्हारी जबान बन्द रखी। उस तत्व ने वह रिपोर्ट बता दी है।

MR. SPEAKER: Mr. Minister, what is your reply? We have debated enough.

श्री मनी राम बागड़ी: ग्रध्यक्ष जी, एक बात मैं मंत्री जी से कहंगा।

MR. SPEAKER: You have said enough.

श्री मनो राम बागड़ी : 12 तारीख को (ध्यवधान) यह ऐतिहासिक बात है (ध्यवधान) में लोग जेलों में जाते, ग्रगर जय प्रकाश नारायण न होते।

MR. SPEAKER: No, we have debated enough. Now I will ask the Minister to reply.

SHRI D. B. CHANDRE GOWDA (Chikamagalur): Mr. Speaker, one

point of clarification. I do not understand what the Minister is going to say.

MR. SPEAKER: I do not know. A point of order is raised. Whether he has any reply.

SHRI D. B. CHANDRE GOWDA: That is the point. It is addressed to the Chair.

SPEAKER: Undoubtedly, I MR. cannot decide it without heirng both the sides.

SHRI D. B. CHANDRE GOWDA: Sir, You have to give your ruling.

MR. SPEAKER: I have to give the ruling.

Mr. Raj Narain, Mr. Stephen has raised three questions. You have to answer those. He has raised a point of order. Three questions he raised.

SHRI KANWAR LAL GUPTA: What about your own commitment in the House? We want to ask from

MR. SPEAKER: I have made no commitments. The records are there. Please see the records. There was a misapprehension. Please go into the records.... (Interruptions) Will you kindly hear me? All that happened was, when the Health Minister wanted to give a summary of it, I objected to it. I said You cannot give a summary of it". Then, when he said "I may place the English report", I said "do not create trouble; place both Hindi and English." Then he said "I want some time." I said. "All right, you can do it on Monday." I have not given any direction. Only I stopped him from placing this.

Now, three questions have been raised by Shri Stephen. One is that you cannot lay under the Act a report, which is an interim report, Secondly, he has said that you cannot lay it is submitted to the President. [Mr. Speaker]

Thirdly, it is not in the Order Paper. So far as the last point is concerned, there are many questions coming in here like that, because the Speaker is not even allowed to deal with them. Today we had adjournment motions and other motions. They have all come. So, there is no question about it. But the other two points are important. One is that you cannot lay it unless and until the final report has come. Secondly, you cannot do it except....(Interruptions) I am looking into that.

SHRI KRISHAN KANT: Mr. Speaker, I would like to read from the proceedings of Lok Sabha yesterday, where the hon. Speaker was kind enough to say as follows:

"The Minister of Parliamentary Affairs may kindly inform the Minister that he had promised to place the report by Monday, but he had not yet placed it and that I would like to know why he had not done so; he must do that immediately."

That is your direction.

MR. SPEAKER: This is what I am saying. He has promised to do it and he has not kept up his promise. Therefore, he must keep up his promise. Today a legal question has been raised, that he cannot do it. I have to decide that question.

SHRI SHYAMNANDAN MISHRA (Begusarai): Sir, may I make a submission on the legal point? This Commission was appointed under the Commissions of Inquiry Act. In a sense, all the provisions of the Commissions of Inquiry Act were to apply to this. Now, what does the Act say about the laying of reports? I would like to draw the attention of the Chair and of the House to what the Act says about the laying of the Reports on the table. I am drawing your attention to section 3, sub-section (4), which says:

The appropriate Government shall cause to be laid before the House of the People or, as the case may be, the Legislative Assembly of the States, the reports, if any"—I am laying stress, I am underlining the words, if any"—

It says:

....of the Commission on the enquiry made by the Commission under sub-section (1) together with a memorandum of action taken thereon."

Here, my submission is that it must not necessarily be accompanied by a memorandum of action taken. It may well be that the Government would decide not to take any action, and that would also be considered an action in terms of law. But the country must know the findings and the country must know whether the cause for this concern was justified or not, that is the principal point involved in this. What action the Government takes on the report. Whether to present not an obligation which must be carried out while laying the report.

It says:

....by the Commission under sub-section (1) together with a memorandum of action taken thereon within a period of six months."

The most important point is that the Government cannot exceed the limit of six months for taking any action on the report. Whether to present without any memorandum of action taken on it is not the material point.

Here, the plea taken by the Government is completely different. The plea taken by the Government is that it is not the final report, the full report. The plea taken by the Government is not that the Government has not taken any decision on it. The plea taken is that it is not the full report. Here my submission is that the Act says any report", it does not say that it should be the final report.

There have been occasions when the Government has taken action even on an interim report, and particularly an interim report is required only for taking action in accordance with the public interests involved in it. Therefore, this report could be of any nature, whether it is a full report or an interim report is immaterial, and so if the House had been assured that the interim report would be made available to the House, I think this obligation must be fulfilled, it is not prevented by the Act. And this is also not the Government's case that it is not accompanied by a memorandum of action taken. Government's case is only that it is not the full report, but the House, after having considered all aspects of the matter, had come to the view that the report must be placed before the House. Therefore, the Chair had also asked the Minister to carry out the wishes of the House. The Minister having given the assurance to the House and the Chair also having asked the Government to fulfil the assurance given to the House, I think it would a step which cannot be appreciated particularly at a juncture when the country is celebrating the Amrit Mahotsav of Lok Nayak Jayaprakash Narain. If the reports was required at any stage in the country it is at this stage that this report on this very important matters is required and not later.

SHRI VASANT SATHE: The first point is that it is not a report in terms of section 3(4). The Government will say that no memorandum of action taken accompanies it. Why? Because it is not a full report. Therefore that six months period will be fully waived by saying that they will do it after the full reports is available. And in the meantime they will avoid this report and submit to you a partial finding or observations or whatever it is which will confuse the country I am not going into the merits of the whole case, about the man who made the enquiry, the manner of the enquiry etc., but I say that it will be contrary to the concept of law to have any such partial document which cannot be described as a report to be placed on the Table of the House within the terms of the Act.

SHRI G. M. BANATWALLA (Ponnani): I will place the point very briefly before you. Section 3(4) of the Act is very relevant and must be taken into consideration while deciding the point. It very clearly and categorically says that the report of the Commission has to be placed the House. It does not before "report" or "reports". There cannot be a plethora of reports, preliminary, interim and final reports. There can be only one report, and that is the report of the Commission which has to come before the House. Therefore, if an interim report is now placed, this House will be barred from receiving any further report about the matter. The term used is singular and is preceded by the article "the" and it also requires the memorandum of action taken together with it. Therefore, I submit before you that section 3(4) contemplates only one report. It is couched in the Therefore, it is only one singular. report which is the report and the final report which will come before The House cannot be the House. taken for a ride by giving a plethora of reports.

श्री गौरोशंकर राय : ग्रध्यक्ष महोदय, इस मामले को मैं एक दूसरे दृष्टिकोण से रखना चाहता हूं। यह सदन प्रपने कार्यों का सब से बड़ा मालिक है, सुप्रीम एथारिटी हैं। इस में प्राप की रूलिंग का प्रश्न कम है, सदन ग्रौर देश की इच्छा का प्रश्न है। कानून के सिलिंस में सिर्फ इतना मुझे कहना है कि ऐक्ट में ग्रन्तरिम रिपोर्ट रखने की कोई मुमानियत नहीं है कि नहीं रख सकते हैं। सारा देश इस मामले पर व्यग्न था। ग्राज से चार महीने पहले, तीन महीने पहले यह

[श्रीगीरीशंकपराय]

रिपोर्ट भानी चाहिए थी। मैं जरा भ्रपने मित्रों से भी यह कहना चाहता हूं कि उन के ऊपर एक चार्ज एक साल पहले से सारी दुनिया के सामने लटका हुन्ना है कि जयप्रकाश जी के साथ ऐसा व्यवहार हम्रा, उनको मारने का प्रयास था। तो इस मामले में देश चाहता है कि यह रिपोर्ट रखी जाय ग्रीर यह सदन देश की भावनाम्रों को परिलक्षित करता है। यह सदन चाहता है कि रिपोर्ट रखी जाय तो इस में कोई प्रोसीजर की बात नहीं है। यह सदन की इच्छा है ग्रीर सदन में ग्राप से निवेदन किया है कि रिपोर्ट रखी जाय। सारा देश जानना चाहता है कि जयप्रकाश जी के हम्रा ग्रीर इन को मान्यवर, पहले ही से चिन्तित नहीं होना चाहिए . . . (व्यवधान) इन्होंने सब को एक्यूज कर दिया, जुडिशियल ए क्वायरी को भी एक्युज कर दिया।...(ब्यवधान)।

स्वास्थ्य ग्रौर परिवार कल्याण मंत्री (श्री राजनारायण) : श्रीमन्, में वास्तव में 20 साल के पालियामेंट्री जीवन में ग्राज जो कुछ देख रहा हं यह एक नई चीज है। The Opposition is saying: don't put the report. I do not know why. Because they think there is something which is going against the previous Government. I was keeping till now. Kindly hear me.

एक एम अपी ब की अस्त्री या एक एम अपी अका बच्चा विलिंगडन ग्रस्पताल में भर्ती होता या इंडियन मैडिकल इंस्टीट्युट में भर्ती होता है या सफदरजंग में भर्ती होता है ग्रीर उसको कुछ हो जाता है ती सबेरे हमारे यहां पहुंच जायेंगे कि एन्त्रवापरी कराइए, एन्क्वायरी कराइए भौर अनेक नेणनल लीडर, इंटरनेणनल लीडर जयप्रकाश नारायण जी की एन्क्वायरी की रपट को रखने के बारे में इतना विरोध **ग्रखिल भारतीय कांग्रेस (ग्राइ) ग्रीर** सी० पी० माई० इन दोनों की म्रोर से हो रहा है। (घ्यवधान)

भ्राखिल भारतीय कांग्रेस (म्राई) म्रीर सी अपी० माई०-इन दोनों पार्टियों ने राज्य सभा में भी यही स्थिति पैदा की ग्रीर यहां लोक सभा में भी पैदा की। I want to make you know the process of the wheel of history.

1969 में श्री नीलम संजीव रेडडी, वाई-हक ग्रार कक डीफीट करा दिए गए लेकिन ग्रब श्री नीलम संजीव रेडडी भारत के राष्ट्रपति हैं। (ब्यवधान) 1969 में प्रादरणीय श्री मोरारजी देसाई ने मंत्रिमंडल को छोडा भीर वही भ्रादरणीय श्री मोरारजी देसाई भ्राज भारत के प्रधान मंत्री पद पर सुशोभित हैं। (व्यवधान) This is the wheel of history.

द्निया में किसी को तनिक भी कानून की जानकारी होगी तो वह इस बात को मान लेगा ग्रासानी के साथ कि यदि जनता पार्टी की सरकार रिपोर्ट रखना चाहेगी तो दनिया की कोई भी शक्ति उसका रोक नहीं सकती है। (व्यवधान)

श्रीमन्, मैं ग्रापकी ग्राज्ञा से वह जो वस्तु-स्थिति है उसकी जानकारी देना चाहता हूं। मैं जानता हं कि हमारा स्टेटमेंट मिश्रा जी को सेटिस्फाई नहीं करेगा लेकिन साठे जी थोड़े दिन के लिए सेटिस्फाइड हो जायेंगे। (ब्यवधान) I am not reading the report. I am not placing the report now.

SHRI C. M. STEPHEN: He is going to read something.

MR. SPEAKER: I am not going to allow him to read from the report.

श्री राजनारायण : पिछले सप्ताह भ्रत्ना श्रायोग की रिपोर्ट को सदन में रखने का प्रश्न इस सम्मानित सदन में उठा था। उस समय मैंने जो कहा था वह इस प्रकार है:

> "ग्रध्यक्ष महोदय, इस प्रश्न का कल ही मैंने निराकरण कर दिया था। यह सही है कि श्री जयप्रकाश जी के सम्बन्ध में रिपोर्ट हमें मिली है लेकिन वह रिपोर्ट ग्रन्तरिम है, वह रिपोर्ट फुल रिपोर्ट नहीं है। उस रिपोर्ट को हम स्टडी कर रहे हैं, हमारा डिपार्टमेंट भी स्टडी कर रहा है। रिपोर्ट लम्बी है। इसको स्टडी करने के बाद ग्रगर यह जरुरी समझा जायेगा कि रिपोर्ट सदन के पटल पर रख दी जाए तो रख दी जाएगी।"

माननीय सदस्य बार-बार जोर दे रहे थे ग्रीर माननीय ग्रध्यक्ष महोदय ने यह मुझाव देने की कृपा की थी कि मैं इस रिपोर्ट को सोमवार 6 मार्च, को सदन में प्रस्तुत कर दूं। मैंने ग्रपने विभाग को इस की प्रतियां तैयार करने ग्रीर उन्हें लोक सभा में भेजने के लिए कह दिया था। रविवार 5 मार्च को यह काम कर दिया गया था। 6 मार्च को एक पन्न भी लिख दिया गया था कि मैं 9 मार्च को यह रिपोर्ट सभा पटल पर रख दुंगा।

इस सम्बन्ध में माननीय सदस्यों के लिए मैं इस एक सदस्यीय ग्रायोग की नियुक्ति की पृष्ठभूमि दौहराना चाहंगा : —

घर मंत्री ने श्री समरेन्दु कुन्दू के तारांकित प्रश्न नं० 40 के उत्तर में 6 श्रप्रैल, 1977 को लोक सभा को सूचित किया था कि सरकार ने निश्चय किया है कि एक जांच श्रायोग की नियुक्ति की जाए जो यह जांच करे कि श्रापातकाल भें नजरबन्दी के दौरान श्री जयप्रकाश नारायण के गुर्दों को कैसे क्षति पहुंची । घर मंत्री ने मुझे ... MR. SPEAKER: That is history Mr. Stephen has raised a point of order. He has raised three points. One is that this is an interim report and therefore, you cannot lay it on the Table of the House. The second is that there is no memorandum and, therefore, unless is accompanied by a memorandum, you cannot lay it on the Table of the House. The third is that this is not in the normal list of business. You need not answer the third. Please answer the first and the second.

SHRI RAJ NARAIN: I am not only going to answer Mr. Stephen but I am going to answer to the whole world, to the whole country and to the whole House.

उस में इन का प्रथन भी म्रा जाएगा। इन के प्वाइन्ट म्राफ म्रार्डर के बारे में स्वयं म्राप ने कह दिया है कि तीसरे का कुछ जवाब नहीं देना है। पहले के बारे में मैंने बतला दिया है कि दुनिया की कोई ताकत जनता पार्टी की सरकार को, यदि वह रिपोर्ट यहां रखना चाहे तो, रखने से रोक नहीं सकती। ...

श्री बो० शंकरानन्द : ऐसा रूल इन्कार्योरेट करा दीजिए ।

श्री राजनारायण : ग्रगर सरकार रखना चाहेगी, तो वह एकार्डिंग टुरूल्ज ही होगा—— देटइज, ग्रण्डरस्टुड ।

श्री बी० शंकरानन्द: यह हाउस रूल्ज के मुताबिक चलेगा।

SHRI RAJ NARAIN: Kindly hear me. Have some patience; adopt some parliamentary practice and procedure.

ग्रादरणीय सदस्य इस को बाजार न बनायें।

मैं निवेदन कर रहा था कि घर मंत्री ने मुझे तदनुसार कार्यवाही करने के लिए कहा ।

[श्री राजनारायन]

सरकार ने 23 भन्नैल, 1977 को एक प्रस्ताव द्वारा डा० पी० कोसी का एक-सदस्यीय भायोग नियुक्त किया।

सदन के मनेक माननीय सदस्य बार-बार चिल्ला रहे हैं--डा० ग्राल्वा, डा० ग्राल्वा--हम ने पहले डा० ग्राल्वा को एप्वाइन्ट नहीं किया था। इस लिए पहले इस की पूरी हिस्ट्री समझ लीजिए....

MR. SPEAKER: He is not reading from the report.

SHRI B. SHANKARANAND: Whether he is placing the report or not is the only question.

SHRI RAJ NARAIN: I have every reason to explain why I am not going to place the report.

SHRI B. SHANKARANAND: You are not called upon to explain that.

श्री राजनारायण: मैं वतला रहा था कि सरकार ने 23 अप्रैल, 1977 को एक प्रस्तावद्वारा डा०पी० कोशी का एक सदस्यीय ब्रायोग नियुक्त किया ।

डा० पी० कोशी के पुत्र डा० ग्रबाहम कोशी की पोस्ट-ग्रेजुएट इंस्टीट्युट में लैक्चरार के पद पर नियुक्ति हो गई थी, जिस की जानकारी न तो डा० कोशी ने दी, न किसी ग्रन्य साधन से मिली। डा० कोशी के पूत्र उन्हीं के साथ स्टाफ कार में भ्रपने नये पद को ग्रहण करने चण्डीगढ गये। डा० कोशी को ग्रपने पुत्र को साथ ले जाने एवं पी० जी० म्राई० के म्रतिथिगृह में ठहरने की व्यापक म्रालोचना समाचार पत्नों में भाई, एवं लोगों ने उन के द्वारा की जाने वाली जांच की निष्-पक्षता में सन्देह व्यक्त किया इसलिए डा॰ कोशी ने 9 मई, 1977 को इस्तीफा भेजा, जो 13 मई, 1977 को स्वीकार किया गया।

श्री बी० शंकरानन्व । क्यों इस्तीफा दिया ?

MARCH 9, 1978

श्री राजनारायण: इसलिए कि उनका लडका वहां एप्वाइन्टमेंट पा गया था । उस के बाद डा०के०नगप्पां घाल्वा की 13 मई, 1977 को ही एक सदस्यीय श्रायोग नियुक्त किया गया। 13 मई, को हमारे पास इस्तीफा श्राया श्रीर 13 मई को ही डा॰ के० नगप्पाको नियुक्त कर दिया गया — इसलिए इस में सरकार की तनिक भी इच्छा, मंशा या ख्वाहिश नहीं है कि इस रिपोर्ट को पेश करने में विलम्ब हो । क्यों ? क्यों कि 13 मई को उन का इस्तीफ़ा मंजूर हुन्ना श्रीर 13 मई को ही डा० श्राल्या का एक-सदस्यीय नियक्त किया गया। जांच म्रायोग म्रधिनियम, 1952 की धारा 11 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सरकार ने निदेश दिया कि उक्त ग्रधिनियम के सभी म्राल्या मायोग को लाग होंगे।

"इस म्रधिनियम की धारा 3 की उप धारा (4) के अनुसार यह जरूरी है कि जब सरकार को कोई रिपोर्ट मिलती है तो उसे उस पर की गई कार्यवाही के ज्ञापन सहित 6 महीने के भीतर लोक सभा पटल पर रखा जाए।"

ग्रव मैं श्री मिश्र के प्रश्न का जवाब दे रहा हुं। म्राल्वा म्रायोग ने म्रन्तरिम रिपोर्ट 27-2-78 को दी है। जब तक म्रन्तिम रिपोर्ट नहीं म्राएगी, तब तक इस रिपोर्ट पर कार्यवाही करना कानूनी दृष्टि से उचित नहीं है। मैं डा० ग्राल्वा साहव की रिपोर्टको सदन के सभा पटल पर रखना ग्रीर सदस्यों को उस की जानकारी देना ग्रपना परम पूनीत कर्त्तव्य समझता हुं किन्तु कानुनी पावन्दियों को देखते हुए इस प्रन्तरिम रिपोर्टको सदन के सभा पटल पर रखना विवेक-सम्मत नहीं होगा।

श्री कंदर लाल गुप्त: कानून तो बताइए।

श्री राजनारायण: जांच ग्रायोग ग्रध-नियम, 1952 के सेक्शन 3 के सब-सेक्शन में यह है:

SHRI KANWAR LAL GUPTA: Are you supporting Mr. Stephen? This is his interpretation. Do not support him.

श्री राजनारायण: जांच ग्रायोग ग्रध-नियम, 1952 के सेक्शन 3 के सब सेक्शन (4) को मैं पढ़ कर बताता हूं:

"समुचित सरकार, यथास्यिति, लोक सभा या राज्य की विधान सभा के समक्ष, उपधारा (1) के स्रधीन स्रायोग द्वारा की , गई जांच पर ब्रायोग की रिपोर्ट, यदि कोई हो, उस पर की गई कार्यवाही के ज्ञापन सहित, ग्रायोग द्वारा समुचित सरकार को रिपोर्ट के प्रस्तुत किए जाने से छह मास की कालावधि के अन्दर रखवाएगी।"

हम को स्रथ्री रिपोर्ट मिली हैं स्रीर पूरी रिपोर्ट, वे कह रहे हैं, बहुत जल्दी देंगे। हम समझते हैं कि एक, दो माह में वे अपनी पूरी रिपोर्ट दे देंगे । ग्राप खद जानते है कि यह कितना इम्पोर्टेन्ट विषय है ग्रीर कितने डाक्टर हैं। डा॰ भ्राल्वा ने कितनी मेहनत की है भ्रीर इतनी सारी मेहनत करते हुए वे एक नतीजे पर ब्राए हैं। मैं सदन को निश्चित रूप से उस रिपोर्ट को पढ़ने का मौका दंगा। वह रिपोर्ट सदन को पढने को मिलेगी भीर डा॰ म्राल्वा म्रपना जोव पूरा करेंगे। जो कमी उस में रह गई है, उस को भी वह पूरा करेंगे। 🗸

श्रीमन्, मैं यह भी बता दुं कि डा॰ अपालवा को मारने की धमकी दी गई हैं।

SHRI D. B. CHANDRE GOWDA: It speaks of the Government of the day. If this Government is not capable of

giving protection to their own Commission's Chairman, this is a shame...

श्री राज नारायण: डा० ग्राल्वा के कुछ रिकार्ड चोरी करवा लिये गये हैं। मैं यह इसलिए बता रहा हं कि किस कठिनाई में म्राज डा० म्राल्वा इस रिपोर्ट को पूरा करने म तत्पर हैं। सदन के सम्मानित सदस्यों को हम ने यह इसलिए बताया हैं कि हो सकता है कि उधर के लोगों को कभी इधर श्राना पडे। इसलिए किस लिए हल्ला मचाते हो। .. (ब्यवधान) एक वात यहां पर कह दुं। (ब्यवधान) मैं वहत ही सफाई भ्रौर स्पष्टता से कहना चाहता हं कि वे जो डा० ग्रस्वा के सम्बन्ध में कोई डेरोगेटरी रिमार्क्स करते है, ग्रंपने कर्तव्य की ग्रवहेलना करते हैं। डा० ब्रात्वा एक सम्मानित सदस्य ही नहीं, एक सम्मानित डाक्टर भी हैं श्रीर वे इस समय किसी पार्टी से सम्बन्धित नहीं हैं। उन्होंने ईमानदारी के साथ मेहनत कर के रिपोर्ट पेश की है।(ब्यवधान)... मुहं पर कालिख लग जाएगी। (व्यवधान)

MR. SPEAKER: I have heard both sides. I have to give my decision.

SHRI KRISHAN KANT: Why does the Minister not take action against Dr. Chuttani who has superannuated? He is on extension; he has manipulated....(Interruptions)

MR. SPEAKER: No more arguments. Nothing more will go on record. (Interruptions)

I have heard everybody. I have heard the point of order raised. Three points have been raised during the debate. They are: (i) the matter has not been listed before the House and, therefore, it cannot be taken up; (ii) only the final report can be placed before the House; and (iii) no report can be placed unless the Government considers the report and its decisions are embodied in a memorandum.

[Mr. Speaker]

So far as the first point is concerned, many times points have been raised in this House without their being listed. The point raised in this case was not by the Government but by the Members. Therefore, I do not see much substance in that point.

So far as the second and third points are concerned, we are governed by sub-section (4) of section 3 of the Commissions of Inquiry Act, 1952: that sub-section reads:

"The appropriate Government shall cause to be laid before the House of the People or, as the case may be, the legislative Assembly of the State, the report, if any, of the Commission on the inquiry made by the Commission under sub-section (1) together with a memorandum of the action taken thereon, within a period of six months of the submission of the report by the Commission to the appropriate Government."

It has been contended that the words, 'report, if any' means only the final report. I am unable to accept that contention. Any means every report. Therefore, a report which is of an interim character can also be placed before the House But the most important point is this: can a report made under sub-section (4) be placed before the House unless and until the Government considers it and takes a decision on that? This is an important aspect of the section. No report can be placed before the House unless the Government considered the same and has come to conclusions on the report. Therefore, a memorandum containing the conclusions of the Government is absolutely necessary to place the report before the House. In this view, it is not permissible for the hon. Minister place the report before the House without Government considering and the Government's conclusions being embodied in a memorandum. In this view, I uphold the point of order

raised and direct the Minister not to lay the report before the House unless it is accompanied by a proper memorandum.

13.39 hrs.

[Mr. Deputy-Speaker in the Chair].

BUSINESS ADVISORY COMMITTEE

THIRTEENTH REPORT

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Sir, I beg to move:

"That this House do agree with the Thirteenth Report of the Business Advisory Committee presented to the House on the 8th March, 1978."

SHRI VAYALAR RAVI (Chirayinkil): Mr. Deputy Speaker, actually I had written to the speaker regarding this allocation of business. For the last six year this House has not had an oportunity to discuss either the functioning or the Demands of the Ministry of Communications. This is an important Ministry. There are about six lakh employees working in this Ministry, but it has not been discussed so far. I do not know why: it has been conveniently excluded. Even this time there is no mention of the Ministry of Communications for discussion. Please go through the records of the last six years: there is no discussion at all on the Ministry of Communications. This is a vital and important Ministry and we want a discussion on the Ministry of Communications. Next to Railways, this is one of the most important-a major employment-oriented Ministry and it is closely linked with the people. Every citizen of the country is linked with the Ministry of Communications and we Members on this side have many things to communicate to improve upon the functioning of the Ministry. So I demand that