

etc. Bill

15.36 hrs.

STATEMENT RE. CORRUPTION CHARGES AGAINST THE FAMILY MEMBERS OF THE PRIME MINISTER AND THE FORMER HOME MINISTER

THE MINISTER OF HOME AFFAIRS (SHRI H. M. PATEL): Madam; In a statement I made on February 23, 1979 in the Rajya Sabha and in answer to a few Unstarred Questions in the Lok Sabha, mention was made of Government's decision to refer the Debate on the motion that was adopted on August 10, 1978 in the Rajya Sabha to the Chief Justice of India with the request that he may inquire whether any *prima facie* case in respect of the charges referred to in the Debate aforesaid, which pertain to the period after the present Government took charge in March 1977, is established against the family member of the Prime Minister and the former Home Minister so as to justify a formal inquiry under the Commissions of Inquiry Act. I accordingly requested the Chief Justice of India to take up this inquiry and give his advice in this connection.

The Chief Justice in his reply referring to developments subsequent to the Prime Minister's statement of 24th August 1978 in the Rajya Sabha noted that there was a sharp cleavage of opinion amongst persons holding different political views on the propriety of the Chief Justice of India undertaking such an assignment. He has further stated that even if he were to devise a generally acceptable procedure for inquiry with the charges, he would be functioning essentially as a *'persona designata'*. The Press and the public would be free to make assumptions regarding the reasons for his opinion and Parliament would also be at liberty to debate on the merits of his view. The Chief Justice, therefore, felt that the office of the Chief Justice of India might be dragged into a public controversy

thereby affecting the image of that high office. Accordingly, the Chief Justice suggested that rather than entrust this assignment to him—Government might consider referring it to a retired Judge of the Supreme Court.

Appreciating the reasons put forward by the Chief Justice and sharing his anxiety that nothing should be done which would involve the office of the Chief Justice of India in any controversy or impair in any way its dignity and position, Government agreed to defer this matter to a retired Judge of the Supreme Court, but felt that it would be more appropriate if the retired Judge to make the inquiry were to be nominated by the Chief Justice of India rather than selected by Government.

After careful consideration, the Chief Justice suggested the name of Shri Justice C A Vaidialingam for this assignment. Government has accordingly reflected the entire question, which was sought to be reflected to the Chief Justice, to Shri Justice Vaidialingam for his consideration.

MR. CHAIRMAN: Now Shri Bahuguna.

(Interruptions)**

15.40 hrs.

KOSANGAS COMPANY (ACQUISITION OF UNDERTAKINGS) BILL AND PAREL INVESTMENTS AND RAD TRADING PRIVATE LIMITED AND

DOMESTIC GAS PRIVATE LIMITED (TAKING OVER OF MANAGEMENT) BILL—Contd.

THE MINISTER OF PETROLEUM, CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): Madam Chairman: Whereas I am beholden to hon. Members for making suggestions with regard to the availability of petroleum and petroleum products... (Interruptions)

SHRI B. SHANKARANAND (Chikodi): Just one minute, before the Minister leaves—one point.

**Not recorded.