

MATTERS UNDER RULE 377

(i) STATEMENT MADE BY THE MINISTER OF HOME AFFAIRS ON 13TH JULY, 1977

SHRI YESHWANTRAO CHAVAN: (Satara): Sir, I am raising a very important and serious point. I am very happy that both the Prime Minister and the Home Minister are present here. Yesterday, in the course of the reply to the Demands of the Home Ministry, the Home Minister has made a very, I would say, tendentious and malicious statement, which has appeared in the press today. I have got the copy of the Times of India, which has got a two-column headline "Plan to Kill top Opposition Leaders during Emergency". I tried to go through the proceedings of the House, and this is what the Home Minister has stated:

तैयारियां हो रही थीं कि उस दिन चन्द आदमियों को शूट कर दिया चाये जैसा ढाका जेल में शूट कर दिया गया था।'

(*Interruptions*) Please listen to me now. We have given all the time to you. You are the ruling party. You should have some patience to listen.

When my colleague, Dr. Karan Singh, interrupted the Home Minister and said: "I am astounded to hear this thing. If you have any information, please tell us."—then the Home Minister said there was no such proposal but only "vichar." I would like to ask in all seriousness, is this the way statements can be made without any evidence? Government have stated that they have appointed a Commission to look into the excesses during emergency and that the Commission can go only on the basis of evidence. They have also stated that they want the Government to be run by the rule of law. Is this the way of running the government by rule of law, or is it merely a Government run by baseless rumours? This rumour has spread all over the country that there was a plan to kill all the leaders of the opposition. I would like to ask the

Home Minister if you have any information, or if you have any evidence, certainly you provide it to the Commission, or substantiate it here, or you withdraw the allegation... (*Interruptions*).

You have appointed a Commission. I do not ask for anybody's mercy. I can certainly say that whatever responsibility we have, we are not running away from that responsibility. Please do not forget that, though we may be in a minority here, we also represent the people here. We are not sitting here because of anybody's mercy. We are also representing the people. And I must say that such statements are made only with a view to bring our party into disrepute. I would make an appeal to you. (*Interruptions*).

SHRI JYOTIRMOY BOSU (Diamond Harbour): On a point of order.

MR. DEPUTY-SPEAKER: Please take your seat. He has been permitted by the Chair under rule 377 to make a submission and he is making it. If the Home Minister has something to say, he will say it. Let not the other Members unnecessarily get excited over this.

THE PRIME MINISTER (SHRI MORARJI DESAI): May I appeal to hon. Members on this side and on that side too that this is not the way to carry on the discussions here? When the Leader of the Opposition makes a statement, it should be heard properly, and no one should make this kind of noise. Then the Home Minister will give a reply. I would like to plead with my hon. friends not to get into a passion. Why did they not get into a passion on this side when this statement was made? Let us not get into a passion. We should hear quietly, and let the Home Minister say what he has to say.

SHRI YESHWANTRAO CHAVAN: I would make an appeal. I am not

[Shri Yashwantrao Chavan]

making any cheap allegation against anybody, but certainly I would be failing in my responsibility if I do not raise this question and allow this to go unchallenged. If you have got evidence, certainly make enquiries and bring to book all those who were responsible, but the Home Minister of a country, particularly India, making such a statement on the floor of the House and not trying to substantiate it would certainly expose the credibility of the Government. That is what I wanted to say. I would, therefore, like to make an appeal to the Prime Minister and the Home Minister: particularly on this aspect, if you have got any evidence, you substantiate it, or kindly withdraw it.

गृह मंत्री (श्री चरण सिंह) : अध्यक्ष महोदय, मैंने यह कहा था कि तैयारियां इस बात की हो रही थीं—अगर जरूरत पड़े तो शूट कर दिया जाय, जेल में लीडर्स को—ये मेरे लफ्ज हैं। तो अगर जरूरत पड़े तो शूट कर दिया जाय, उस की तैयारियां हो रही थीं। राइट टु लिब सस्पेंड कर देना उसकी तैयारी थी। मैं यह जानना चाहता हूँ—जीने का अधिकार किस लिए सस्पेंड किया गया? अखबारों का राइट... (व्यवधान)... राइट आफ असेम्बली, राइट आफ स्पीच—ये सस्पेंड कर दिए, बात समझ में आई कि अखबारों में आप के खिलाफ कुछ न कहा जा सके, जबानी भी कुछ न कहा जा सके। और भी अधिकार सस्पेंड किये गए, लेकिन जीने का अधिकार भी क्यों सस्पेंड किया गया, आज तक ऐसा नहीं हुआ। सिवाय इसलिए कि वह एक तैयारी थी कि जब जरूरत पड़े तो ढाका की तरह से रिपिटिशन यहां किया जाय—बस यही मेरा जवाब है। मैंने खुद यह कहा है—कोई प्रोपोजल था, यह मैंने नहीं कहा है, विचार था, थिंकिंग थी, उसी की यह तैयारी थी। तो तैयारी का मतलब यह नहीं था कि पुलिस को आर्डर्स दे दिए गए थे, फौज बुला ली गई थी या आपसे

मशविरा किया गया था या राइटिंग में कोई स्कीम बनी थी। उसकी पहली चीज है राइट टु लिब सस्पेंड करो,

every thing else, if necessary will follow—

SHRI YESHWANTRAO CHAVAN: This is merely trying to depend upon an argument of a lawyer in a court and trying to say that it was happening in the administration. These are two different propositions. I, therefore, do not think, he is, in any way, justified in making that statement. Unless he substantiates it, I request him to withdraw it.

(Interruptions).

SHRI VAYALAR RAVI (Chitavinkil): I am on a point of order. This is a very serious allegation. Rule 370 clearly states:

"if, in answer to a question or during debate, a Minister discloses the advice or opinion given to him by any officer of the Government or by any other person or authority, he shall ordinarily lay the relevant document or parts of document containing that opinion or advice or a summary thereof on the Table."

The opinion is that there is a thinking that somebody may be killed in the jail. He is as good as the Government of India. He is the Home Minister of the entire country. So the files and documents are accessible to him. These files are the authority. He must have laid.... (Interruptions) Such opinion, expressed on the floor of the House from an authority and that authority is the files and documents, must be laid on the Table of the House. Otherwise, he must withdraw it. (Interruptions).

MR. DEPUTY-SPEAKER. The Home Minister never said.... (Interruptions).

SHRI SAMAR GUHA (Contai): I want to give concrete examples about

the plan of killings. (*Interruptions*). Please allow me.

MR. DEPUTY-SPEAKER: Mr. Samar Guha, this is not the way to behave in this House. You are a senior Member; you should know how to behave.

SHRI JYOTIRMROY BOSU: Mr. Murahari, you were not behind the bars for 19 months. Why do you hit in the back? Why do not you allow him? (*Interruptions*).

MR. DEPUTY-SPEAKER: Mr. Jyotirmoy Bosu, this is not the way to behave in this House. You cannot blackmail me, Mr. Jyotirmoy Bosu. I know what I am doing as a Presiding Officer. And for your information—you just listen to me—for the last so many months, as a presiding officer I have done nothing which I am ashamed of. If at all, I have protected the rights of the Members, I am proud of that.

Regarding Mr. Vayalar Ravi's remarks, I must say this that the Home Minister never made any remark in which he had said that he had any documentary proof or that he was giving opinion of any officer. Therefore, the question of producing the document or officer's opinion does not arise.

SHRI SAMAR GUHA: Kindly allow me.

MR. DEPUTY-SPEAKER: The matter is closed. You can raise it on some other occasion.

SHRI SAMAR GUHA: As the matter has been raised, I want to make a submission to you. A serious matter has been raised. Let me give two concrete examples.

MR. DEPUTY-SPEAKER: If you raise something, something else will be raised from that side. There will be no end to this.

SHRI SAMAR GUHA: These are concrete examples.

MR. DEPUTY-SPEAKER: You will have ample opportunities to say what you want to say. There are so many discussions. You can quote all your instances in so many discussions going on in the House. Let us go to the next item.

SHRI SAMAR GUHA: This is not the way. I want to make a submission. A challenge has been thrown not only to the Home Minister but to all of us. We were kept as prisoners. We were deprived of our freedom for so many months. I want to give two concrete examples. You must allow me. I appeal to you to permit me to give two concrete examples.

SHRI MORARJI DESAI: Let no hon. Member say to the Chair, "You must allow me." That is not proper. This is not the language one should use, nor is this the way to address the Chair. You can make whatever request you want to make.

SHRI SAMAR GUHA: I honestly say, I did not mean anything.

MR. DEPUTY-SPEAKER: Mr. Samar Guha, I am appealing to you, please do not unnecessarily provoke other Members. There will be ample occasions, so many discussions, when you can give all your examples. You may not have two, you may have more examples. Let us go on with the business of the House.

SHRI SAMAR GUHA: I would like to make a submission in the most dispassionate manner. Many hon. friends in the Opposition do not know what ugly things, ghastly things, happened during the Emergency. They do not know. For that reason I want to give at least two concrete examples.

MR. DEPUTY-SPEAKER: Many people do not know many things. Even I do not know many things. I did not know many things. You cannot be reeling out all those instances in the House now. There is a Commission of Inquiry appointed.

[Mr. Deputy Speaker]

They will find out all the facts. They will come before the public and before Parliament. If you have any specific instances, you can send them to the Home Minister. You can also mention them on the floor of the House at some stage or other. Therefore, let us not unnecessarily go on with these things now.

श्री चरण सिंह : मैंने यह कहा था कि प्रेजीडेंट का यह आदेश कि राइट टूलिव सस्पेण्ड कर दिया गया है—

श्री वसन्त साठे (अकोला) : बार बार आप गलत कह रहे हैं। यह गलत है।

(Interruptions).

MR. DEPUTY-SPEAKER: Mr. Sathe, let him complete; please take your seat now. (Interruptions). Let him complete what he has to say. The Home Minister has a right to say what he wants to say. If you do not accept it, it is for you. You need not accept it. But the Home Minister will say what he wants to say. (Interruptions).

श्री चरण सिंह : माननीय साठे या किसी और माननीय सदस्य के विगड़ जाने से कोई दलील बनती नहीं है। मैं समझता हूँ कि जितनी सच्ची बात कही जाएगी उतना ही आप नाराज होंगे।

अब मैं यह कहने जा रहा था कि मैंने यह नहीं कहा बल्कि श्री नीरेन डे ने जो अटार्नी जनरल थे, गवर्नमेंट का लाइयर था, उस ने नवम्बर में सुप्रीम कोर्ट में यह कहा कि आज हिन्दुस्तान के किसी व्यक्ति को जीने का अधिकार नहीं है। यह प्रेजीडेंट के आर्डिनेंस का इन्टर-प्रोटेक्शन करते हुए उन्होंने कहा। अगर यह बात नहीं थी तो गवर्नमेंट की तरफ से यह कम्युनिक जारी होना चाहिए था कि यह गलत है। . . . (व्यवधान)

मैं यह अर्ज कर रहा हूँ कि यह बात मेरी कही हुई नहीं है, ले मैन की नहीं है।

नीरेन डे जो सरकार का अटार्नी जनरल था, सुप्रीम कोर्ट में गवर्नमेंट का रिप्रेजेन्टेटिव था उस का बयान बाकायदा है सुप्रीम कोर्ट के सामने। . . . (व्यवधान)

MR. DEPUTY-SPEAKER: I cannot allow this sort of running commentary now.

श्री चरण सिंह : दूसरी बात यह है कि गवर्नमेंट जब भी कोई काम करती है तो उस के लिए एक अलग कानून बनाती है। कोई तैयारी करती है तो कानून बनाती है। हम करप्शन को मिटाना चाहते हैं उस के लिए लोकपाल बिल ला रहे हैं। और भी जितने बिल लाते हैं वह किसी काम को करने के लिए तैयारी होती है। तो आपने आर्डिनेंस जारी कर के तैयारी कर ली कि अगर जरूरत पड़े तो शूटिंग भी कर दी जाय। . . . (व्यवधान)

MR. DEPUTY-SPEAKER: Take your seat now.

(Interruptions.)

SHRI MORARJI DESAI: We are unnecessarily losing ourselves. It was the Attorney-General who made a statement in the Supreme Court while speaking on behalf of the Government which I read while I was in detention and I was shocked. He said that the Ordinance empowers the Government to detain anybody it likes, to kill him if it likes, to seek to starve him to death and there will be no remedy and the court has no right. (Interruptions)

I asked Mr. Niren De as to why he spoke things like that. He had no reply. I do not want to go further. If this is proved to be wrong, I will certainly say, I am sorry. But this is what he has said in the Supreme Court. (Interruptions)

SHRI YESHWANTRAO CHAVAN: I would like to say that I have also functioned some years on that side of the House. The Attorney-General was making a theoretical interpretation before the court. (Interruptions) Does it mean that the Government

had a plan to kill people. This is absolutely twisting—the whole thing. (Interruptions)

श्री नरसिंह यादव (चन्दौली) :***

MR. DEPUTY-SPEAKER: Please take your seat. Nothing will go on record, when I am on my legs. Please take your seat. Now, we have had enough of this. We go to the next business. (Interruptions)

SHRI SAMAR GUHA: Again I submit that I cannot prove to be a liar. I have said that I have got two concrete examples. Unless you permit.....

MR. DEPUTY-SPEAKER: That will not go on record. (Interruptions)

MR. DEPUTY-SPEAKER: Mr. Samar Guha, I beg of you not to make unnecessary.....

SHRI SAMAR GUHA: Sir, my reputation is at stake. I do not indulge in political gimmicks. (Interruptions)

MR. DEPUTY-SPEAKER: Nobody is making any political gimmick here. The cases of persons who called something a political gimmick or a cheap gimmick have been sent to the Privileges Committee only three days back. Does the hon. Member not know that? Nobody is doing any political gimmick here. Now, let us close that subject and get on with the business; otherwise, there will be no end to this. I have already submitted to you that there is an inquiry going on and you will have ample opportunities to say what you want to say—in some other discussion or so. Therefore, let us go on with the business.

SHRI YESHWANTRAO CHAVAN: As the Government have not substantiated the statement and have merely

referred to the irresponsible argument given by the Attorney-General, the only thing that we can do is to walk out of the House.

Some hon. Members then left the House.

(ii) ALLEGED BANK ACCOUNTS ABROAD IN THE NAMES OF SHRI SANJAY GANDHI AND SHRIMATI MANEKA GANDHI.

SHRI JYOTIRMOY BOSU (Diamond Harbour): The other day I produced a photostat copy which alleges that Shri Sanjay Gandhi and Smt. Maneka Gandhi are maintaining bank accounts abroad. The Finance Minister has neither confirmed the genuineness of the document nor denied the same. The real confirmation or denial could only be made by the Swiss Bank concerned. Nothing short of that could possibly satisfy us. We have no knowledge whether the Enforcement Directorate has summoned Shri Sanjay Gandhi and Smt. Maneka Gandhi to interrogate them with regard to their alleged bank accounts abroad.

I have now the fullest details about these foreign exchange dealings.

The Maruti Heavy Vehicles Private Ltd., which Shri Sanjay Gandhi virtually owns, in their letter dated 29th January, 1976, addressed to the Oil and Natural Gas Commission in the matter of purchase of eight cranes from DEMAG stated:

"We desire to compete (with) our competitors for this order and as such we have foregone the entire commission in this transaction."

Accordingly, foreign exchange equivalent of Rs. 1.7 crores was released for payment to DEMAG account in West Germany for purchase of cranes. This had happened around January,