

THE DEPUTY MINISTER IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI KEDAR NATH SINGH): (a) and (b) Yes, Sir, In the article, the author has pro-GARLAND CANAL enveloping the GARAND CANAL enveloping the Central India and the GREAT HIMALAYAN CANAL, embracing the foot-hills of the Himalayas. The proposal appears to suffer from the topographical, geological, hydrological and economic shortcomings.

12 hrs.

RE: MATTER UNDER RULE 377

SHRI P. K. DEO (Kalahandi): I wrote to you that I want to raise a question under 377.

MR. SPEAKER: After some time.

SHRI P. K. DEO: If it is your ruling, my submission is going to help you.

MR. SPEAKER: Order, please.
(Interruptions)

MR. SPEAKER: No, please.
(Interruptions)

MR. SPEAKER: The tapes are meant for the purpose of the reporters; not to be handed over to the Members. Kindly resume your seat.

SHRI P. K. DEO: I want your ruling.

MR. SPEAKER: I will study this. I will study the position.

श्री अटल बिहारी वाजपेयी : (मालियार) : अध्यक्ष महोदय, यह जो विषय उठा है, आप की रूलिंग से उस का सम्बन्ध नहीं है। यह एक अलग मसला है। अगर कोई मेम्बर कहता है कि एक मिनिस्टर यहां जो बयान देता है उसको शार्टहैंड से रिकार्ड करने में कोई, गड़बड़ होती है, और उस रिकार्ड को चुनौती दी जाती है, तो क्या टेप-रिकार्डर पर उस को सुना नहीं जा सकता है?

MR. SPEAKER: Let him state the passage.

श्री अटल बिहारी वाजपेयी : अगर सैक्रिटेरियेट का यह रबैया है कि कोई मेम्बर खाली अपनी स्पीच टेप-रिकार्ड पर सुन सकता है, बाकी नहीं, तो यह ठीक नहीं है। जो टेप-रिकार्ड किया जाता है, वह हाउस की प्रापर्टी है।

SHRI SHYAMNANDAN MISHRA (Begasarai): The point is, when one of the Memebers has raised the question of an assurance given by the Minister,—when there is variation—then, it has to be checked up with the tape-recorder.

SHRI P. K. DEO: I had already mentioned in my request that I wanted a copy of the Home Minister's statement so far as the reference to the privilege motion is concerned. He has categorically stated that he was quoting from the CBI report. The next day, to by-pass the rule, rule 368, he said that "I never quoted." For this very purpose, when it has been contested by the Opposition, for this very purpose, the whole tape should be played, if not here, at least in your Chamber.

MR. SPEAKER: I have to study the position.

SHRI P. K. DEO: That will help you.

SHRI DINEN BHATTACHARYYA (Serawpore): What is the procedure? The printed copy we can get, but not the version of the tape-recorder?

MR. SPEAKER: The tape-recorder is meant for the reporters. May I request you all to kindly resume your seats now?

12.04 hrs.

QUESTION OF PRIVILEGE—contd.
Import Licence Case—contd.

MR. SPEAKER: I thought I should not keep it pending. This is regarding the question of privilege regard-

ing the import licence case. Sarvashri : Madhu Limaye, Jyotirmoy Bosu, Shyamnandan Mishra and Atal Bihari Vajpayee tabled notices of questions of privilege regarding what has come to be known as the import licence case.

SHRI ATAL BIHARI VAJPAYEE (Gwalior): Scandal.

MR. SPEAKER: You may say whatever it is. I do not disagree with you. They made their submission in the House on the 20th November, 1974 and on subsequent days on the admissibility of their notices. Their contention is:

1. that Shri Umashankar Dikshit and Shri H. R. Gokhale have committed Breach of Privilege because they have not fulfilled their promises and assurance given by them to the House on the 9th September, 1974;
2. that Shri K. Brahmananda Reddy has committed a breach of privilege for not fulfilling the promise and assurance given by his predecessor in office Shri Umashankar Dikshit, and for misleading the House by his statement in the House on the 12th November, 1974;
3. that Prof. D. P. Chattopadhyaya has committed a breach of privilege for making inaccurate and misleading statement in the House on the 9th September, 1974; and
4. that Shri Tulmohan Ram, M.P. has committed breach of privilege and is guilty of misconduct as a Member of Parliament, for alleged bribery and forgery as concluded by CBI after investigating in the matter.

I have heard the members who gave the above notices as also some other members who took part on points of order on the question of the

admissibility of these notices as also the Ministers—Shri Brahmananda Reddy, Shri H. R. Gokhale and Prof. D. P. Chattopadhyaya who made several statements in response to points raised by the member.

Shri Umashankar Dikshit, the then Home Minister, stated as follows in the House on the 9th September, 1974:

"I am making a promise, I am giving an assurance that, after this investigation is over, the first thing that we will do is to come to Parliament and say, 'this is where we have arrived; please tell us what we should do'. It is only after that, according to the wishes of Parliament, that we will proceed. We are not closing the door for further investigation by Parliament. There can be one remote possibility when the matter can go to a Committee. As it is, today, my request is that the matter should not be pressed."

Shri H. R. Gokhale as Law Minister made the following statement:—

"Please refer to my remarks on the subsequent occasion. I have said at that time that we shall take the House into confidence after the investigation report was available. After the results of investigation are available we shall take the House into confidence, the whole matter is open to the House to consider at that time."

It is known that on the 10th October, 1974 Shri Umashankar Dikshit relinquished charge of the office of Minister of Home Affairs and became a Minister without portfolio. The CBI investigation was completed after that date and the CBI chargesheet was submitted to the Court on the 11th November, 1974. Obviously the statement that he made in the House on the 9th September, 1974 was on behalf of the Government and not in his personal capacity. He cannot be said to be personally responsible for non-fulfilment of the assurance given

by him since he had relinquished charge of that Ministry before the investigation was concluded.

Similarly the Law Minister had made a statement on behalf of the Government. He, however, explained the circumstances in which the assurance was given. I give below an extract from his statement made on the 25th November, 1974:

"I have said that the House will be taken into confidence on the results of the investigation. Now, that has been done.....I emphasized that if crimes are seen to have been committed, found to have been committed, and if the offenders are identified, the Government is of the opinion that the proper forum is the court of law. I said that the Government will take the House into confidence, which meant that the results of the investigations will be intimated to the House which, I submit, has been done...I have given in no such assurance that the CBI report would be placed on the Table of the House."

Shri Brahmananda Reddy, Minister of Home Affairs has explained in detail to the House in his statement on the 12th November, 1974, as to the legal obligations and circumstances under which the CBI had to rush to the court before the Government could come to the House in the matter after the CBI enquiry was over.

As I stated in the House on the 12th November, the assurances given by the Home Minister and the Law Minister were categorical, and the Government were bound by them. However, it is not the case of the Ministers that they would not fulfil them. Indeed though a little later they have come to the House and have placed before the House the gist of the enquiry held by the CBI. . .

SOME HON. MEMBERS Question, No Sir.

MR. SPEAKER: . . . the charge-sheet filed in the court against the accused and have explained the manner in which the assurances have been fulfilled. There is therefore no question that the Government have deliberately declined to implement the assurance.

SHRI ATAL BIHARI VAJPAYEE: They did not come out of their own accord.

MR. SPEAKER: There may be a dispute that the assurance was not implemented fully or in due time, and it can only be resolved by a debate in the House.

SHRI SHYAMNANDAN MISHRA (Begusarai): No.

MR. SPEAKER: The House knows that it has various remedies available to it to call the Government to account and secure compliance with its directions, but inadequate compliance of an assurance or delay in its fulfilment will not constitute a breach of privilege.

Nevertheless I should say that propriety demanded that the Government should have made a statement in the House on the 11th November when the present Session commenced and taken the matter to the Court thereafter particularly when the case was instituted in the Court on that very day i.e. the 11th November.

Another point of privilege raised against Shri Brahmananda Reddy is that he made an allegedly misleading statement in the House on 12th November, 1974 wherein he said:

"The investigation did not disclose that any of the officers who dealt with the matter were involved in the commission of the offence."

In a subsequent statement made by him on 21st November, 1974, Shri Brahmananda Reddy said in the House:

"In the course of investigation no evidence became available to corroborate the statement of Shri S. N. Pillai. It was this intention

[Shri Shyamnandan Mishra]

which I had communicated in my statement and nothing more should be read into my obligations."

In order to constitute a breach of privilege or contempt of the House, it has to be proved that the statement was not only wrong or misleading but it was made deliberately to mislead the House. In this connection, I may refer to a ruling given on 18th April, 1966 by the then Speaker, Sardar Hukam Singh. The ruling was as follows:—

"If there is any discrepancy or a statement is not correct, there is no question of any privilege motion unless it is proved that a wrong statement has been made deliberately, knowing the true position."

It cannot be said that Shri Brahma-nanda Reddy has made any misleading statement deliberately in this regard. So, there is no question of any breach of privilege or contempt of the House on this score.

As regards Shri D. P. Chattopadhyaya, Minister of Commerce, the members' complaint against him is that he misled the House by his statement made in the House on the 9th September, 1974, when he said:

"After the writ petitions were withdrawn the Ministry re-examined the matter from a point of view whether the denial of these licences was consistent with the principle of equity and justice.... I would like to submit here, Sir, that these firms were not black-listed, debarred or non-existent.... Nothing to our knowledge has been brought raising or warranting any doubt that these licences have been trafficked into."

It was stated by some members that the reported impounding of the licences in this case indicated that the above statement made by the Minister of Commerce in the House was incorrect and misleading.

On the 26th November, 1974, Shri Chattopadhyaya made a statement in

the House in which he *inter alia* said:

"This has reference to the privilege motion against me, which, to my mind, deals with the following points: Firstly, if the licences were issued according to the rules, why they have been impounded since? During the course of the CBI investigation, trafficking in licences was suspected. The Chief Controller of Imports and Exports issued a show cause notice on the licencees, asking them to explain why their licences could not be cancelled and, during the pendency, the licences have been rendered inoperative. The act of rendering the licences inoperative is on the ground of suspected trafficking and not on the eligibility or otherwise of the licencees. I also said them and I would reiterate now: 'If it is brought to our knowledge we will look into it and this is precisely what is being done.... Available records show that these firms are established quota-holders, do not figure in the list of firms debarred or kept in abeyance by the Chief Controller of Imports and Exports, and their income tax verifications, either in respect of payment or exemption, were duly ascertained before the grant of licences."

In view of the above explanation, I do not think that his earlier statement was made deliberately to mislead the House. So, there is no question of breach of privilege or contempt of the House involved on the part of Shri Chattopadhyaya.

Now I come to Shri Tulmohan Ram, M. P. It has been stated by Members in the House that he received bribe for furthering the cause of some import licence applicants in taking up the matter with the Government and forged the signatures of some Members of Parliament. The CBI have also after investigation come to that conclusion.

Shri Tulmohan Ram, in his letter dated the 14th November, 1974 to me,

which I read out in the House on the 20th November, 1974, has pleaded that since the matter has become *sub judice*, it should not be discussed in the House at this stage.

It is a well established law that the rule of *sub judice* does not apply to matters of privilege or in matters where disciplinary jurisdiction of the House with respect to its own members is concerned. However, in order to constitute a breach of privilege or contempt of the House, the misconduct of a Member should relate to business in the House. In the present case the Member has allegedly abused his position as a Member of Parliament in sponsoring an application to Government for money and also after forging signatures of other Members. These allegations of bribery and forgery which have been *prime facie* established by the CBI are certainly very serious and unbecoming of a Member of Parliament, and he may be held guilty of lowering the dignity of the House.

I, therefore, hold that the House is free to discuss any motion relating to the conduct of Shri Tulmohan Ram and the rule of *sub judice* does not come in the way.

SOME HON. MEMBERS rose—

SHRI S. M. BANERJEE (Kanpur): Sir, what about my motion?

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मुझे निवेदन करना है.....

MR. SPEAKER: No submissions on that.

श्री अटल बिहारी वाजपेयी : आप का रूलिंग जैसा भी है, उसे हम स्वीकार करते हैं। लेकिन उनमें से दो-तीन बातें निकलती हैं, पहली बात तो यह है....

अध्यक्ष महोदय : वह बाद में बैठ कर करेंगे।

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, आप ने माना है कि इन्होंने इम्प्री-

प्राइटी की है, अब हम आप की गाइडेंस मांग रहे हैं।

SHRI S. A. KADAR (Bombay—Central-South): On a point of order.

श्री अटल बिहारी वाजपेयी : आपने माना है कि हाउस इस को डिस्कस कर सकता है—एशोरेंस के पूरा करने में एडीक्वेट इन्फॉर्मेशन नहीं दी गई, जो इन्फॉर्मेशन दी गई वह देर से दी गयी। अब आप हमें यह बतलाइये कि सी० बी० आई० की रिपोर्ट प्राप्त किये बिना हम इस पर कंस बहस कर सकते हैं ?

MR. SPEAKER: I have given my ruling already.

SHRI SHYAMNANDAN MISHRA (Begusarai): After your ruling, any Government with self-respect and honour would have resigned. This was not an ordinary matter. Government went to the court on that very day when the Parliament Session began. Government is guilty of breach of assurance, if not breach of privilege, as you have been pleased to say. Any Government with the least sense of honour and self-respect would have resigned on this issue.

You have been pleased to say, Sir, that Mr. Tulmohan Ram's conduct could be discussed in this House. But for that matter we require the full report of the CBI, and if, by the weight of their number, they are not going to make the CBI report available to us, may I submit to you with all humility that we will have to resort to some form of *satyagraha* for this in this House? We should secure that document and then alone we will be in a position to fully discuss the conduct of an hon. Member of this House or even the conduct of many of the Ministers about whom you have made a reference in your ruling. The CBI report has to be laid on the Table of the House. It was produced in lieu of the investigation by the House.

[Shri Shyamnandan Mishra]

How are we going to discuss his conduct in the House if we do not have the full report before us?

Then, Sir, what happens to the ruling given by you earlier that the document has to be produced? Now it has become a matter of immediate importance since we have to discuss the conduct of an hon. Member and, therefore, your ruling must be fulfilled, must be obeyed, by the other side. We must get the report of the CBI. What do you say about your previous ruling that the document has to be produced?

MR. SPEAKER: It is for the Government to lay it or not to lay it. It is not in my power.

SHRI SHYAMNANDAN MISHRA: If it is not in your power, then, if we want to secure it by some form of *Satyagraha* in this very House, you should not take any objection to it.

MR. SPEAKER: I cannot say.

श्री अटल बिहारी वाजपेयी : आप बतलाइये कि हम क्या करें ? आप ने कहा है कि इन्होंने इम्प्रोप्राइटी की है, लेकिन आप ने इन को उस के लिए फटकारा नहीं है। इन में इतनी भी कटंसी नहीं है कि ये उस इम्प्रोप्राइटी के लिये सदन से माफी मांगें, उलटा तालियां बजा रहे हैं और सी० बी० आई० की रिपोर्ट दबा कर बैठे हैं। यह सदन इस तरह से कैसे चलेगा ? हमारे अधिकारों को रक्षा कौन करेगा ?

SHRI SHYAMNANDAN MISHRA: So shameless they are.

MR. SPEAKER: I am not calling anybody.

श्री अटल बिहारी वाजपेयी : आप ने कहा कि श्री तुलसीमोहन राम के आचरण पर चर्चा हो सकती है, लेकिन सी० बी० आई० की रिपोर्ट के बिना चर्चा का क्या मतलब है ?

SHRI SHYAMNANDAN MISHRA: If the voice of reasoning and logic is sought to be over-powered by the brute force of number, then we have to resort to *Satyagraha*. There is no other course.

(Interruptions)

SEVERAL HON. MEMBERS: rose—

MR. SPEAKER: Kindly sit down. I am going to the next item now.

श्री जनेश्वर मिश्र (इलाहाबाद) : अध्यक्ष महोदय, इस तरह से कार्यवाही नहीं चला करती है। हम आप के रुलिंग पर एक सफाई चाहते हैं, एवः मिनट के लिये इजाजत दीजिये।

MR. SPEAKER: It was my duty to give the ruling. I do not want any comments or speeches.

श्री जनेश्वर मिश्र : हम आप की रुलिंग को समझ नहीं पाये हैं, हम उस पर सफाई चाहते हैं।

SHRI H. N. MUKERJEE (Calcutta—North-East): Nobody is contesting your ruling. Not one of us is contesting your ruling. But the point is....

MR. SPEAKER: May I request that you can make your submissions later on. I am going to the next item now.

SHRI H. N. MUKERJEE: I am making a submission. I gathered that you permitted us to make submissions.

MR. SPEAKER: No points of order, nothing else, no comments, please.

SHRI SHYAMNANDAN MISHRA: We want your guidance.

SHRI ATAL BIHARI VAJPAYEE: We may not agree with it, but we seek your guidance, please.

MR. SPEAKER: My guidance is that this matter can be discussed.

SHRI ATAL BIHARI VAJPAYEE: Can we discuss it without the CBI report?

MR. SPEAKER: I cannot help you because I cannot compel them.

श्री अटल बिहारी वाजपेयी : हम आप की कृपिण पर नहीं बोलना चाहते हैं, आप से निवेदन करना चाहते हैं, दो-दो मिनट दे दीजिये ।

अध्यक्ष महोदय : इस तरह से बोलने का यह रोज का सिलसिला हो गया है ।

श्री अटल बिहारी वाजपेयी : हमें सरकार से लड़ना है, हम आप से नहीं लड़ना चाहते हैं, लेकिन यदि आप बीच में आजायेंगे तो फिर हम क्या करें ।

12.29 hrs.

PAPERS LAID ON THE TABLE

Gujarat Gram Panchayats Secretaries (Recruitment, Training and Conditions of Service) (2nd Amndt.) Rules, 1974.

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI SHAH NAWAZ KHAN): I beg to lay on the Table—

(1)(i) A copy of the Gujarat Gram Panchayats Secretaries (Rerecruitment, Training and Conditions of Service) (Second Amendment) Rules, 1974, published in Notification No. KP-74-180-TCM-3073-CH in Gujarat Government Gazette dated the 5th August, 1974, under sub-section (4) of section 323 of the Gujarat Panchayats Act, 1961, read with clause (c)(iii) of the Proclamation dated the 9th February, 1974 issued by the President in relation to the State of Gujarat together with an explanatory note.

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the above Notification.

(2) A statement (Hindi and English versions) explaining the reasons for not laying the Hindi version of the Notification.

[Placed in Library. See No. LT-3608/74].

ANNUAL REPORT OF CENTRAL WAREHOUSING CORPORATION, NEW DELHI FOR 1973-74

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI ANNA-SAHEB P. SHINDEY): I beg to lay on the Table a copy of the Annual Report (Hindi and English versions) of the Central Warehousing Corporation, New Delhi, for the year 1973-74 along with the Audited Accounts and the Audit Report thereon, under sub-section (11) of section 31 of the Central Warehousing Corporation Act, 1962. [Placed in Library. See No. LT--8609/74].

DELHI, MEERUT AND BULANDSHAHR MILK (EXPORT) CONTROL ORDER, 1974

THE DEPUTY MINISTER IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI PRABHUDAS PATEL): I beg to lay on the Table a copy of the Delhi, Meerut and Bulandshahr Milk (Export) Control Order, 1974 (Hindi and English versions) published in Notification No. S.O. 657(E) in Gazette of India dated the 15th November, 1974, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT-8610/74].

12.30 hrs.

QUESTION OF PRIVILEGE—Contd.

IMPORT LICENCE CASE—Contd.

SOME HON. MEMBERS—rose—

MR. SPEAKER: No points of order or comments on my ruling.

SHRI H. N. MUKERJEE: (Calcutta—North-East): I and only reiterating that none of us here is contesting your ruling. But we are making a certain submission,—at least I am making certain submission,—only in order to see that the House can be