

श्रीर 30 प्रतिशत देशानी क्षेत्र में दिया गया जिसमें से 5 फीसदी है छोटे किसानों को मिला बाकी 25 फीसदी बड़े बड़े किसानों के पास गया। इ 111 बारण यह है कि सहकारी समितिया के माध्यम से जो ऋण किसानों को मिलना है वह बड़े किसानों को ही मिलता है क्योंकि वही उनके अध्यक्ष और सदस्य होने है और चकि छोटे किसान उन समितियों के पदाधिकारी नहीं होने इगलिये उनको नहीं मिलना है। रिजर्व बैंक का एक नियम है कि जो सोमाइटी पूरा ऋण अदा नहीं करेगी उसके सदस्यों को ऋण नहीं मिलेगा। उदाहरण के लिये मैं बताऊं मेरे जिले में ऐसी कई सोमाइटिया है जिनमें 300 सदस्य है और 50 सदस्य ऐसे है जिन के पास 75 फीसदी ऋण है, बाकी 250 मेम्बरो ने पूरा ऋण चुका दिया है। लेकिन कृषि बड़े किसानों द्वारा ऋण अदा नहीं किया गया है। इसलिये 250 मेम्बरो को ऋण नहीं मिल पाता। इसलिये जो आपने बताया है कि रिजर्व बैंक अपनी एक योजना बनाने जा रही है जो एपीएलएनर रीफाइनंस द्वारा देशों में शाखाये खोली जायेगी उनके द्वारा जो ऋण दिया जायेगा रिजर्व बैंक अपनी कमीनरी द्वारा इसकी जांच करायेगा कि वास्तव में सही ऋण से सही क्रेडिट को पैसा मिलता है नहीं। अभी तक यह देखा गया कि बैंड मार्गेज बैंक द्वारा जो ऋण बांटा जाता है वह ऐसी स्थितियों पर मिल जाता है जिनकी कोई कीमत ही नहीं होती है। इसका कारण यह है कि जो बँलुअर होते है, बैंक के एडेंट होते है वह लोगों से मिल कर पथरीली जमीन को मार्गेज करते है। इसलिये मेरा निवेदन है कि जो मशीनरी सरकार नियुक्त करने वाली है उसको आदेश देना चाहिए कि जिन लोगों को किस काम के लिये ऋण दिया गया है उसका इन्वैजकल वेरीफिकेशन होना चाहिए। होता क्या है कि आप के बँलुअर 200, 500 रुपये किसानों से ले कर ऐसे ही स्टिफार्ड कर

देने है कि हा कुआ खुद गया या गम्प लग गया जबकि वास्तव में कोई चीज ऐम्प्लूज्मैंट ही नहीं करती। इगलिये किज्मैंल वेरीफिकेशन होना जरूरी है। इमनिय मरा निवेदन है कि जो छोटे किसान ह उन पर जरूर ध्यान देना चाहिए क्योंकि वर बेचारे डम हावन में नहीं है कि बैंक खरीद मक, कु, खोद सके।

MR. DEPUTY SPEAKER: The hon Member may continue afterwards.

The Home Minister.

17.30 hrs.

[MR SPEAKER in the Chair]

QUESTION OF PRIVILEGE—contd.

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA REDDY):—Sir, it will be recalled that as a result of verification a case under Sec. 120-B IPC, r/w 420 (cheating), 487 (forgery), 471 (using as genuine forged documents) and 162 (taking gratification to influence public servants) was registered in connection with issue of licences to some importers of Yanam and Mahe by the CBI (SPE) on 2nd September, 1974.

During the course of investigation it was noted that on 1st November, 1954 when the erstwhile French Possessions namely Pondicherry, Karaikal, Yanam and Mahe and Chandernagar were de facto merged with the Indian Union, the then Ministry of Commerce and Industry issued a notification extending the provisions of the Imports and Exports Act to these territories. A Public Notice was issued on 11th June, 1955 extending facilities of issue of special additional licences to all established importers of the former French Possessions. As in the body of the Public Notice only Pondicherry and Karaikal had been mentioned, another Public Notice was issued on 20th December, 1955 specifically removing misunderstanding in regard to importers of Yanam and Mahe and giving them a

[Shri Brahmananda Reddy]

further opportunity to submit their applications by 30th December, 1955. Seven merchants namely S. Ganapati Rao, A. M. AbuBekar, S. Mohammed Zecharia Maricar, A. Marimuthu Redjar, R. Muthian, Kumaran Stores and S. Chidambaram, submitted their applications for establishment of quota in Septemebr, 1956 and for special additional licences in January, 1957. Their applications for special additional licences were rejected as by that time the policy was to issue such licences on repeat basis only. In 1969 a group of importers, which included the 7 merchants named above, formed an Association, namely the Yanam and Mahe Merchants (Importers) Association and Shri S. M. Pillai was nominated as its Secretary. Three of the 7 merchants had also filed writ petitions which were dismissed as withdrawn on 11th September, 1972 by the Delhi High Court.

Shri S. M. Pillai continued to take interest in this matter. In March 1971 one Gurbachan Singh put Shri S. M. Pillai in touch with Shri Tulmohan Ram. According to Shri Pillai, Shri Tulmohan Ram told him during talks in which Shri Yogendra Jha also took part that he would get the work done by exercising his personal influence but he would have to be paid a sum of Rs. 50,000. Shri Tulmohan Ram presented a petition dated 2nd April, 1971 of Shri S. M. Pillai on behalf of the importers to the Minister of Foreign Trade on 7th April, 1971. This petition was, however, not accepted. Shri Tulmohan Ram asked S. M. Pillai to prepare a fresh petition and he also gave S. M. Pillai letter papers bearing his name. On these letter papers a fresh petition was typed and was given to Shri Tulmohan Ram by Shri Pillai. This is the petition in question and bears the signature of Shri Tulmohan Ram and the forged signatures of 20

other M.P.s.

In the course of investigation the opinion of Shri B. Lal, the Government Examiner of Questioned Documents Simla was obtained. In the light of his opinion as well as other evidence there are sufficient grounds to believe that signatures of the 20 Members of Parliament were forged and that 14 of the signatures were forged by Shri Yogendra Jha and 2 by Tulmohan Ram. Regarding the remaining 4, the opinion of the G.E.Q.D. was not definite. Further adequate evidence, both oral and documentary, has also come on record to establish that both Shri Tulmohan Ram and Shri Yogendra Jha used to meet Shri Pillai and that Shri Pillai paid a sum of Rs. 70,000, besides other small amounts, to Shri Tulmohan Ram. Shri Gurbachan Singh, who had put Shri S. M. Pillai in touch with Shri Tulmohan Ram had also obtained a pronote for Rs. 40 000 from Shri S. M. Pillai.

As the evidence mentioned above *pime facie* established that a criminal conspiracy was entered into by Tulmohan Ram, Yogendra Jha, Gurbachan Singh and Shri S. M. Pillai, a charge-sheet, as required u/s 173 Cr.P.C., was filed against Shri Tulmohan Ram, Shri Yogendra Jha and Gurbachan Singh u/s 120-B IPC r/w Sections 420, 162, 163, 468 and 471 IPC, in the court of the Chief Metropolitan Magistrate, on 11-11-74. Shri Tulmohan Ram has further been charged with substantive offences punishable u/s 420, 468, 471/468, 162 and 163 IPC while Shri Yogendra Jha and Gurbachan Singh for having abetted offences u/s 420, 471, 162 and 163 IPC Shri Tulmohan Ram and Shri Yogendra Jha were arrested and released on bail. Shri S. M. Pillai has become an approver and has been granted pardon accordingly by the court. Shri Gurbachan Singh has not yet been traced. The investigations

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

SHRI SHYAMNANDAN MISHRA (Begusarai) We take it as you want us to believe Dishonest investigation

SHRI K BRAHMANANDA REDDY During the investigation of the case licences worth Rs 26 16 '62/- out of the total value of Rs 29,15 119/- have been seized and on receiving information from the CBI orders have also been issued by the Ministry of Commerce that no clearance should be allowed against the remaining licences. Thus none of these licences can now be made use of for any purpose. All the firms concerned are in existence and were established importers at the relevant time

श्री मधु लिम्बे (बावा) : झूठ ।

SHRI K BRAHMANANDA REDDY The question however whether these licences were the subject of any trans action in violation of the conditions of grant of these licences or of the relevant provisions of the Import and Export Control Act is being looked into

SHRI PILOO MODY (Godhra) Still?

SHRI K BRAHMANANDA REDDY I am sure that every criminal investigation should be completed without delay and as soon as it is completed investigating officer shall forward to the Magistrate empowered to take cognizance of the offence all the relevant particulars ordinarily referred to as the chargesheet. The investigating officer of the CBI has complied with the requirements of law

श्री मधु लिम्बे अध्यक्ष महोदय, आपन मंत्री महोदय को इसलिये समय दिया कि हम लोगो के द्वारा जो मुद्दे उठाये जायेगे, वह उनका जबाब देगे वना उमी समय बयान हो सकता था । मैंने जो पाच मुद्दे उठाये हैं, उनमे से किसी भी मुद्दे का उन्होंने जबाब नहीं दिया है । एन० के० सिंह स्पेशल एग्जिस्टेंट टु दि मिनिस्टर, और के० एन० आर०

2894 L S—11

पिने जायट चीफ क्लर्क आफ इन्स्टीट्यूट ऑफ कम्प्युटर ने श्री नलिना नागयण मिश्र और प्रा डी० पी० चट्टोपाध्याय कहत पर बागम फर्मा का लाटसेम दिय हे । उन नार्मोमज का टमपाउड बिया गया है उसम पना चलना हे कि य बागम फर्ज है । नियमा वा उन्लघन किया गया है । इमालिये आप मर प्रिविलेज के मवाल को ने लीजिए ।

SHRI JYOTIRMOY BOSU (DIAMOND HARBOUR) You read out the assurance given by the Home Minister in the morning I want clear and categorical reply from the Home Minister as to why the CBI report was not brought before the House first, before this action was taken I want to make another submission.

श्री अटल बिहारी वाजपेयी (ग्वालियर)

अ यक्ष महोदय आज मने जे वर मामला उठा और वर्ड मदन्या न समाचारपत्रा म छपी हुई खबर के बारे म टिप्पणी की ता मंत्री महोदय न समय मागा । पहले ता उन्होंने पाच बजे तक समय मागा और फिर माठे पाच बजे वक्तव्य देने की बात बनी जिम मे हम लोगो को चर्चा के लिये ज्यादा समय न मिल सके क्योंकि छ बजे मदन या स्पष्टित होना है । इस लिये मेरा निवेदन है कि आप मदन या समय बढ़ा दे ।

हम लोगो ने जो मुद्दे उठाये थे उनका जबाब कहा है ? अगर मंत्री महोदय को सी० बी० आई० की रिपोर्ट पढ़नी थी ता वह रिपोर्ट पढ़ने तैयार हो चुकी थी और वर मामला दाखिल किया गया है इस लिये वर मने ही पढी जा सकती थी और फिर इस उम पर बहस कर सकते थे । आपने मंत्री महोदय को कहा कि हम लाया ने जो व । वही है वह आम को उन सब का जना दे । उनका जबाब कहा है ?

श्री मधु लिम्बे अध्यक्ष महोदय आप ने आज्ञा दी थी कि हमारे द्वारा उठाये गये

[श्री सच्चु लियये]

मुद्दे का जवाब दिया जाये। आप रूलिंग दीजिये कि क्या उनका जवाब प्राया है।

अध्यक्ष महोदय किम का जवाब नहीं प्राया है ?

श्री सच्चु लियये : मैं बनाता हू कि किन मुद्दे का जवाब नहीं प्राया है ये ने प्रो० डी० टी० चट्टोपध्याय का पत्र पढ़ कर आप को सुनया। उस में उन्होंने कहा था कि जिन अफसरों ने पांडिचेरी में जा कर इस माफ्ते की जाच की, और जिन की रिपोर्ट के आधार पर ये लाइसेंस दिये गये उन्होंने कहा है कि ये एस्टाब्लिश्ड इम्पोर्टर थे और इस मामले में कोई इर्रगुलेरिटी नहीं थी। तो फिर लाइसेंसिज को इम्पाउन्ड करने की नीबत क्यों आई ? —इमलिये कि ये बोगस फर्ज थी। स्वयं मंत्री महोदय ने कहा है कि एकम-येजिथा लाइसेंस घाट किये गये—मेहरबानी की गई। तो मेहरबानी करने वाले अधिकारियों और मंत्रियों को हाल अप किया जाये। उनके बिना हम लोगो का मतौष नहीं होया। हम लोगो की आँखो में धूल झोकने का प्रयत्न किया गया है। इन प्रश्नों का उत्तर जाना चाहिए। एन० के० सिंह और के० एन० आर० पिल्ले ने जा कर इनवेस्टीगेशन किया और उनकी सिफारिश पर लाइसेंसिज दिये गये। ये इन मंत्रियों के पिट्ट है—ये ललित नारायण मिश्र और प्रो० चट्टोपध्याय के एजेट है।

SHRI JYOTIRMOY BOSU. I gave a clear substantive motion of privilege in the morning. I read out from the debate. The Government has given no answer, as to why they trample their own promises and assurances. Sir, it is a clear case. He said on the 9th

"I am giving an assurance that after this investigation is over, the first thing that we will do is to come to Parliament and we shall say." I quote;

"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 shall proceed. We are not closing the door for further investigation by Parliament. There can be one remote possibility that the matter can go to a Committee as it is. To-day my request is that the matter should not be pressed."

I want to know from you as to why this thing did not come to Parliament? Shri D Sen gave it first to Kuldeep Nayyar and then they prosecuted that man. It is only when we catch him that the Minister makes a statement in the evening at 5-30 when the House is supposed to adjourn at 6 O'clock. I want your protection. I want to know whether the House's rights could be trampled in this manner? I want a clear and categorical assurance on this. This is a clear case of breach of privilege.

MR SPEAKER Mr. Reddy, would you like to say anything?

SHRI JYOTIRMOY BOSU, I want to say one more thing. In the Statement, in the last paragraph, there is an offensive and derogatory remark by the CBI official. The spokesman claims that a Parliamentary probe could not have got the facts and also the confessions by Shri Tul Mohan Ram. This is how Parliament is working in the eyes of the C.B.I. Official. Why should you preside over the funeral of this House?

MR SPEAKER Please be careful while making such observations. Don't be irresponsible. Kindly sit down.

SHRI SAMAR GUHA (Contd.) Sir, I rise on a point of order. My point of order is this. According to the statement that was made by the former Home Minister was this. He categorically said in that statement which he made on the floor of the House that he will ascertain the wish of the House by making a full statement of the facts concerning C.B.I. inquiry. There are two points here.

Are you satisfied about one point? Is this the way to ascertain the wish of the House? He has categorically stated that the matter could not be proceeded with as the case has gone to the court. Are you satisfied with the statement that has been made? There are many concealed things. Why the Members' signatures could not be identified or could not be verified? In his statement he said that these licences were not used. But, ultimately it was found that it was not a fact.

I want to know whether you are satisfied that the statement that has been made by the hon. Minister is in accordance with the one made by his predecessor. If it is no, I want you to direct that a categorical statement should be made by him or..

SHRI VASANT SATHE (Akola): He rises to a point of order and goes on making a speech for half an hour without coming to the point.

SHRI SAMAR GUHA: I have already raised the point.

We should ascertain the views of the House. For that the statement of the hon. Minister should be taken into consideration by this House.

SHRI PILOO MODY: There are several points that are of relevance over here. First of all, when you yourself this afternoon read out what the previous Home Minister had said in Parliament, it was with an idea to give a direction to the Minister that his reply should be at least commensurate with the assurance given by Shri Uma Shankar Dikshit to Parliament. The statement that the present Home Minister, Shri Reddy, has read has no relevance to your direction at all. As a matter of fact, the same statement he could have made yesterday, the same statement he could have made at 12 O'clock, the same statement he could have made at 1 O'clock, the same statement he could have made at 5 O'clock when he promised to make a statement, instead of delaying it by another half an hour.

What was this rotten thing they were working on? Is this a statement requiring any working or any consultation?

MR. SPEAKER: Do not get excited

SHRI PILOO MODY: Therefore, there is definitely mala fide action, not only about the timing of the statement but about the quality of the statement that has been made.

So it is quite evident from the statement that Shri Tulmohan Ram has been made a fall-guy to protect four or five or six individuals including two Ministers and several officers—and God knows who else is involved in this matter. In order to do that, all manner of long drawn-out sections under which this man has been committed is being sought so that the matter goes to court, it can stay there and it becomes *sub judice* and then afterwards nobody can discuss it.

This is by no means satisfactory. It has not only come out in the press; it has been said in this House unpteen times, and it is a matter of fact and knowledge very widely known, that many of these firms or all of them are bogus firms. It has also been known that none of these consignments were actually used by the users themselves; they were all sold without even their ever seeing them or even placing the order for them. All these things have happened, as the whole world knows now, for gratification received by certain Ministers of this Government. And this is the bottom of the matter that we want to get at. We do not want any of this white-washing, any of this window-dressing. I do not care how many Secretaries you employ to keep on making these statements. We will not accept it. We want to know who took the money, how it was used and how it was extracted.

श्री अटल बिहारी वाजपेयी : गृह मंत्री ने पिछली बैठक में जो एक्स्पॉरेन्स दिया था

[श्री अटन बिहारी वाजपेयी]

भार जिसके ऊपर आज सबेरे आप का ध्यान खींचा गया उस क बार में आप को फौमना करना है, गृह मंत्री को नहीं। यह कहा गया था कि इस मामले में कोर्ट भी कार्यवाही करने में पहले ट्राउंस को विश्वास में लिया जायगा। वह नहीं किया गया। सी० बी० आई० ने अदालत में मामला दाखिल कर दिया। सदन की उपेक्षा की गई। जा आश्चर्यजनक दिया गया था उसका उल्लंघन किया गया। इसका बारे में अभी तो निर्णय करना है। लेकिन अभी गृह मंत्री ने जो बयान दिया है उसमें कई गवालों का जवाब नहीं है। यह जवाब अबूरा है, असतोपजनक है और हमारे मन में पदा इस आशय का पुष्ट करन वाला है कि कुछ लोगों का उचान क लिये श्री तुलमोहन राम को बलि का बर्षा बनाया जा रहा है। अध्यक्ष महादय, आप देखें, समाचार पत्रों में जो छत्र चका है और जो सी० बी० आई० क मुँदा में प्रान्त हुआ है उसके बारे में मंत्री महादय कुछ कहने के लिए तैयार नहीं है। उन्होंने कह दिया कि सी० बी० आई० ने अफसरों को दोष मुक्त घोषित कर दिया। जहाँ तक दो मंत्रियों का मवाल है, पुराने दो मंत्री जिन्होंने लाइसेंस नहीं दिया उनके बारे में हम जानते हैं। दो मंत्री जो लाइसेंस काइसे संबन्धि हैं उन क, सी० बी० आई० ने जाच नहीं की। श्री चट्टोपाध्याय कह चुके हैं कि लाइसेंस दिये गये उन्होंने मारा सामान मागा है। अब गृह मंत्री महादय कह रहे हैं कि लाइसेंस इम्पाउंड किया गया। श्री चट्टोपाध्याय ने यह भी कहा था

"Nothing to our knowledge has been brought to raising or warranting any doubt that these licences have been trafficked into."

उन्होंने यह भी कहा कि सामान मगा लिया गया। उन्होंने यह भी कहा कि सामान ऊँचे दाम पर बाजार में नहीं बेच, गया। अब यह कह रहे हैं कि लाइसेंस इम्पाउंड किया जा रहे हैं।

दूसरी बात यह है कि समाचार पत्रों में

छपा है सी० बी० आई० के सूत्रों से। मैं उसको आप के सामने पढ़ना चाहता हूँ।

"On the advice of lawyers, a writ petition was filed in the High Court on September 11, 1972. In November the same year, Mr. Tul Mohan Ram allegedly suggested that the party involved should file a fresh petition as advised by Mr. N. K. Singh, a Government official, and that Rs. 20,000 would be paid to Mr. N. K. Singh"— as his fee.

प्रोफसर चट्टोपाध्याय ने श्री एन० के० सिंह का नाम उस दिन लिया था। एन० के० सिंह के द्वारा श्री चट्टोपाध्याय को चिट्ठी लिखी गई थी। अब एन० के० सिंह को भी मन्न कर दिया गया। मैं जानना चाहता हूँ कि क्या उनमें पूछनाछ की गई? तुलमोहन राम ने एन० के० सिंह का नाम लिया है और तुलमोहन राम ने कहा है कि 30 हजार रुपय मागे। मंत्री महादय ने एन० के० सिंह का भी छाड दिया, फिल्लर्ड को भी छोड दिया। दो मंत्री छाड दिये गये। दो अफसर छोड दिये गये और दो तुलमोहन राम के साथ भी छोड दिये गये। गुरुवचन सिंह का पता नहीं है और नायर कहा है? एक मिस्टर अनवर इस मार काइसे शामिल है। उन अनवर में पूछनाछ की गई या नहीं? वह अनवर कहा है? सी बी आई ने अनवर के बारे में और नायर के बारे में जिन के बारे में कहा जाता है वह भदन के बाहर खड़े थे

"Tul Mohan Ram allegedly advised the importers, the charge sheet said, that they would need to get signatures of some Members of Parliament to obtain the licences. They were asked to come to Parliament House on November 17th 1972. While Mr. K. V. Nair and Pillai waited outside, Tul Mohan Ram and Yogendra Jha went in."

यह मिस्टर के बी नायर कहाँ है? फिल्लर्ड को माफ क्यों किया गया? क्या इसलिये माफ किया गया है कि फिल्लर्ड वाली तुलमोहन

राम श्रीर योगेन्द्र झा को फंसाये, बाकी सबको छोड़ देगे, मुक्त हो जानें में मदद देगे पिल्लई को अप्रूवर बनाने का कारण क्या है ? क्या बिना पिल्लई को अप्रूवर बनाए सारे तथ्य सामने नहीं लाये जा सकतें थे ? सी बी आई मारे तथ्य सामने ला सकनी थी श्रीर पार्लियामेण्टी कमेटी। इस बारे में सारे जो तथ्य है उनको प्रकट कर सकती थी।

अध्यक्ष महोदय, मेरी आप में प्रार्थना है कि प्रिविलेज भोगन के बारे में आप अलग फैमला दीजिये और यह जो बयान दिया है इस पर पूरी चर्चा का मौका दीजिये। आप चर्चा छुट्टी के बाद जब मदन बैठे तब के लिये तय कर दीजिये। यह मामला यहां दबने नहीं दिया जायेगा और मामला अदालत में है इसको आधार बना कर इस मदन को इस मामले पर चर्चा करने में रोकने नहीं दिया जायेगा।

SHRI SHYAMNANDAN MISHRA: I had raised some points in the morning, and I would like to be given at least two minutes' time.

श्री सरजू पांडे (गाजीपुर) अध्यक्ष महोदय, मेरा निवेदन यह है कि जो सी बी आई की रिपोर्ट आई है उसमें सिर्फ एक बात बताई गई है कि तुलसीमोहन राम का एकत क्या है और उन्होंने किस तरह से पैस लिए। वह मारी चीजे सी बी आई की आई है। अगर वह मामला साफ नहीं हुआ है कि लाइसेंस देने वाले लोग कौन थे ? मिनिस्टर ने इस मदन में कहा था कि लाइसेंस ठीक दिये गये और किसी प्रकार की कोई गलती कानून की लाइसेंस देने में नहीं थी और नहीं थी वो सिर्फ एक ही आरोप तुलसीमोहन राम पर बन सकता था कि उन्होंने सिगनेचर्स फाँज किए, अगर आरोप ज्यादा गम्भीर है इसलिये इस मामले की पुन जांच करनी चाहिए कि कौन कौन लोग इसके लिये जिम्मेदार है। यह हमारे माथियों ने ठीक कहा है कि इससे हमारे मदन की प्रतिष्ठा बिगड़ती है। सारे देश में जो प्रचार होगा

उससे तमाम लोक बधा के मेम्बरों की प्रतिष्ठा गिरेगी। इसलिये इस मामले की पूरी जांच होनी चाहिए कि मही मानो म कौन लोग इसके लिये जिम्मेदार थे और लाइसेंस देने में कौन लोगों ने गलतिया की है। पूरी बात मदन के सामने आनी चाहिए हमारी मांग है—जैसा हमने मदम्या ने कहा है—इस मामले पर मदन के अन्दर पूरी बहम होनी चाहिए, क्योंकि मेम्बरों की इस मामले में अलग अलग ओपीनियन है, कुछ मेम्बर शूट्टा करते हैं कि जो रिपोर्ट आई है वह ठीक नहीं है। इसलिये इस का एक ही तरीका है कि मदन में बहम हो ताकि मन्थता प्रकट हो सके।

18.00 hrs.

SHRI SHYAMNANDAN MISHRA: First I should like to have your guidance whether it should be considered as a statement or investigation report. In the morning what was decided was that the Home Minister would make a statement covering the points that had been raised by some hon. Members. What in effect he had given is the summary of the investigation report. Even as an investigation report summary it is thoroughly useless and incomplete.

The hon. Home Minister said that doubts still persist about four signatures. There has been no clearance. If that is the investigation report, who are the hon. Members about whom doubts still persist and who have not been cleared? Unless that basic information is given it cannot be considered to be an investigation report. Such information is not to be kept confined to the hon. Minister Mr. Brahmananda Reddy. The House has been in possession of this matter all the time and the commitment made to the House was that the investigation report would be made available to the House. Where is that basic and vital piece of information?

The hon. Home Minister has been using the word "established impor-

[Shri Shyamnandan Mishra]

ters". Would it be by any such of imagination the description by an investigating authority? Therefore I say that it is a peculiar amalgam of both. If the investigating authority have established that they are established importers I must say that they are dishonest investigating authority. We have got all the information in our possession. They have not been established importers. Is the investigating agency competent to say this? Have they gone into this matter whether they have been established importers or not?

He has also referred to a Body called the Yenam and Mahe Merchants Association. There is no such Association registered with the Registrar of Companies and Firms. We have made our own inquiries into this matter. How can you describe that? Why have you used this concept of association? That also we do not know.

In the morning you will recall that I had read out the substance of the report by the U.N.I. A point has been raised whether one person should be allowed to turn approver. What are the mysterious reasons for making him an approver? I do not want to go into that aspect now. The U.N.I. report published in the *Times of India* says that several Congress Members of Parliament received lakhs of rupees in the Licence Scandal... (Interruptions).

AN HON. MEMBER: it is irrelevant now.

SHRI SHYAMNANDAN MISHRA: Please see this report of the UNI. It says that several lakhs of rupees had been received by Congress Members of Parliament in that import licence scandle and that a statement has been made by one of the four accused who has turned an approver. We would like to know why this has not been included in the statement made by the hon. minister, if it can be called a statement. We raised it in the morning.

The assurance given by the then Home Minister has not been fulfilled in all respects. He had said that after

the investigation is done, they will come to Parliament and say where they have arrived. They say, "We have not arrived anywhere. Only this much of information is given and that too incomplete. It has been rightly pointed out that any further course of action could have been taken in terms of the commitment made to the House only after the matter had been referred to the House. But the Government had in an unseemly way rushed to the court and that also in an incomplete way and in a very suspicious manner. Therefore, the Government has flagrantly violated the commitments made to the House.

The then Home Minister had also said:

"We do not close the door for further investigation by Parliament and there can be a remote possibility for this matter to go to a Committee."

That also was an implied commitment that the Parliament might go into this matter through a Committee. What has the minister to say about that? Does he want to honour the assurances given by his predecessor or not? The statement made by him is thoroughly useless. The investigation report presented to the House is thoroughly useless and also dishonest because the report says, no official has been found to be involved in this.

SHRI P. G. MAVALAKAR (Ahmedabad): The Home Minister's statement has only confirmed some of our worst fears and suspicious about this sordid affair. Government has deliberately suppressed and perverted some of the most important facts about this case. The matter has been deliberately thrown in your court and you have to decide whether it should continue to remain in the orbit of the Government or whether there should be a parliamentary probe. In between the last session and this session the whole country has been discussing it again and again. We do not want the matter to be left only to the Government to do what they like showing the guilty as innocent. This bringing the whole

parliamentary institution into disrepute. Now that the ball has been thrown into your court, please hit the ball back correctly and rightly.

SHRI K. BRAHMANANDA REDDY: The point raised by several Hon. Members is with regard to the assurance given by my predecessor which, Sir, you were also pleased to mention this morning. If the hon. Members have heard the last paragraph of my statement, they would have seen that as soon as the CBI processes have set in, they continue and no government can interfere with the processes that ought to take place after the inquiry is completed. Since a point was raised that the assurance was not kept up I am trying to submit to you that the legal processes have to follow after the inquiry. Section 173 of the Criminal Procedure Code says:

"(1) Every investigation under this Chapter shall be completed without unnecessary delay

(2) As soon as it is completed the officer in charge of the police station shall forward to a Magistrate empowered to take cognizance of the offence on a police report, a report in the form prescribed " It will have to give several particulars.

SHRI SHYAMNANDAN MISHRA: Can you say that it has been invariably followed in all cases after investigation? We know cases where you have not followed them

SHRI K. BRAHMANANDA REDDY: This is a mandatory provision. After the CBI complete the inquiry, they are compelled to submit the report to the court. Then the court can do one or two things; it can ask for further investigation or can accept the charge-sheet against a particular accused.

श्री. कृष्ण लाल शर्मा: अध्यक्ष महोदय, मेरा व्यक्तित्व का प्रश्न है। किमिनाल प्रोसीजर

कोर्ट की धारण्ये मुनने के लिये हम को नहीं बुलाया है, वह हम सब जानते हैं। हमारे जो मुद्दे हैं उनका जवाब प्राना चाहिए। यहाँ कुछ पोलिटिकल मवाल उठायें गये हैं। क्या आप यहाँ कहने जा रहे हैं कि जिस तरह में छोटी मादरी या मामला श्री मुखाडिया ने माघ सात साल में सब-जुडिस पड़ा हुआ है वैसे ही यह भी पड़ा रहेगा ?

अध्यक्ष महोदय मुझे पता तो लगने दीजिये कि वह क्या करना चाहते हैं ?

श्री कृष्ण लाल शर्मा: इनको बताना चाहिए कि इम्पोर्ट कंट्रोलर के अधिकारियों के खिलाफ क्या बयानवाही की गई, इंडो-बंगला देश ट्रेडिंग कोर्पोरेशन पर जो रेड हुये उस का क्या परिणाम हुआ, प्रोग समद सदस्यों के नाम बताने चाहिए।

SHRI K. BRAHMANANDA REDDY: As this is the compulsion under the law, naturally

SHRI MADHU LIMAYE: This is legal quibbling. We know all that.

SHRI K. BRAHMANANDA REDDY: I am not here to answer all the suspicions or the misunderstandings which the hon. Members may have.

SHRI SAMAR GUHA: I rise on a point of order, Sir

The hon. Minister says that he is not clear about what information we want. But his predecessor had categorically said that he would come before the House and clarify everything about the investigation made by the CBI. How does he say that he is not clear? How can he make such a statement? It is clearly contradictory to the statement that was made by his predecessor.

SHRI K. BRAHMANANDA REDDY: Therefore, it is absolutely clear because this is a compulsion of law. The CBI, after they complete the

[Shri Brahmenanda Reddy]

investigation, have to approach the court... (Interruptions) It is not a question of assurance. There was never any intention on the part of the Government, nor is it there, to shut out any information which they have.

The point is that this is a process which has got to be gone through by the investigating authority. I may read again:

"As soon as it is completed... (Interruptions) I can only speak about the investigation that was made I made clear to the House about the investigation that was made by the investigating authority. If the four names have not been mentioned or the 14 names have not been mentioned, that is a matter of small detail... (Interruptions)

SHRI SHYAMNANDAN MISHRA: How is it a small matter? It is only a petty mind which can say that.

MR. SPEAKER: Don't be aspersive in your remarks. Kindly avoid aspersions. After all, you are sitting in the House to deliberate on it.

SHRI K. BRAHMANANDA REDDY: I do not think Shri Shyamandan Mishra should lose his balance... (Interruptions)

SHRI SHYAMANDAN MISHRA: You are trying to make the CBI to be dishonest (Interruptions)

SHRI K. BRAHMANANDA REDDY: I must say that this is a very uncharitable remark to be made against an investigating authority. It has taken great pains to investigate it.

SHRI SEZHIYAN (KUMBAKONAM): Just now, the hon. Minister said that because of the legal compulsion, the investigation has to be carried on and he has not come before the House. But in the statement made by his predecessor, Shri Uma Shankar Dikshit, he categorically said that after the investigation is over, he will come to Parliament and it is only after that, according to the

wishes of Parliament, he will proceed with the case. Either he was not aware of it or he misled the House. Either Shri Uma Shankar Dikshit was not correct when he made the statement and misled the House or the present Minister is not correct. Which is correct? His predecessor said, after the investigation is over, he will come to the House to ascertain the wishes of the House to proceed with the case. Now, the present Minister says that it is a legal compulsion. This legal compulsion has been there.

SHRI K. BRAHMANANDA REDDY: It is subject to legal technicalities.

श्री मधु लिमये : अध्यक्ष महोदय, मेरी व्यवस्था पर आप निणय दीजिये । मनेने आपने मदी जी को अधिक समय इसलिए दिया कि हमारे म्दो का बह जवाब दे मके । लेनिन अभी तक उन्होंने चार लोगों के नाम नहीं लिये, इंडो-बंगला देश ट्रेडिंग कॉर्पोरेशन के रेड्स के बारे में कुछ नहीं कहा, इम्पोर्ट कंट्रोलर के दफतर के जो अफसर थे उन्होंने क्या किया उनके बारे में जानकारी नहीं दी । (Interruptions)

SHRI SEZHIYAN: The legal technicalities which the hon. Minister refers to now were there even when Shri Uma Shankar Dikshit made the statement. Either Shri Uma Shankar Dikshit or the present Minister has misled the House. I want to make it clear that Shri Uma Shankar Dikshit gave this categorical assurance with the legal technicalities in the background.

PROF. MADHU DANDAVATE (RAJAPUR): Sir, we want your protection here. There is an assurance that was given in the last Session and as Mr. Madhu Limaye has rightly said, we had sought information on specific points. These legal and technical points which he is

raising now were there even at that time. We want information on the issues that have been raised in the House, and I would urge on the Home Minister to give the information before his portfolio changes; otherwise, there will be complications. Let him give the information. We are not interested in legal technicalities.

SHRI SHYAMNANDAN MISHRA
On a point of order. As against the commitment made by his predecessor, the hon. Home Minister has quoted from the Criminal Procedure Code. Apart from the fact that the Criminal Procedure Code existed at the time the commitment had been made by the hon. Home Minister, the thing for you to consider is whether, soon after the investigation is completed, the matter is to be taken to the court of law. That is the provision which he has read. I would ask your guidance as to what is meant by after the investigation is completed, it would be taken to the court of law? Does it mean that, if the investigation is completed at 6.30, it would be taken to the court of law at 6.31? Is that the concept of taking the matter to the court of law? The matter could have been brought before Parliament and after that it could have been taken to the court of law. You have also been a lawyer, Sir. 'Immediacy' does not mean that, soon after the report is completed, it would be taken to the court of law. I can assert with all the knowledge that we command about this that three to four months would have been taken for processing the matter for presenting it to the court. I can assert that with all knowledge. Let anybody possessing legal knowledge tell us that this period would not have been allowed to intervene. I ask a direct question whether it is not a fact that in many cases when the reports had been completed, the Government, honestly or dishonestly had held up the matter and had not

allowed it to be taken to the court of law. In many cases, I know, after the investigation reports had been completed, the Government had, for reasons best known to itself, not presented the matters to the court of law. I want you to give a clear guidance on this.

SHRI H. K. L. BHAGAT (East Delhi): I want to make a submission. An exception is being taken as to why this case has been sent to the court and it is being said that the hon. Home Minister's predecessor has given an assurance that he would come to this House with the report and because the case has been sent to the court, something wrong has been done.

Now, with respect, I would like to submit firstly that if you read the Home Minister's assurance in the whole context in which the debate has taken place, at that time the debate was in the context of a demand for a parliamentary probe made by the Leaders of the Opposition. The Members of the Opposition were making that demand for a parliamentary probe. In that context, the Home Minister was making that reply. Now, if you see the Home Minister's statement in that context, you will find that nowhere he has said that the CBI investigation would be stopped or that the matter would not be sent to the court or anything of that kind. Firstly, he could not have said that, as I said last time, this Parliament is not above law. ..(Interruptions) I say Parliament makes laws and the Parliament is not above the law that it makes....

SHRI PILOO MODY: Only the Congress is above law.

SHRI H. K. L. BHAGAT: Now, what I am respectfully submitting for your kind consideration is that if the Home Minister reads Mr. Dikshit's statement, nowhere he gave this assurance that the matter will not be sent to the court, because as the law

[Shri H K L. Bhagat]

stands, everyone, whether it is Home Minister or the Parliament, they are bound by it.

Thirdly, Shri Vajpayee said last time that from the way Shri Dikshit is saying, it appears that even Shri Tul Mohan Ram will not be proceeded against. Now that Shri Tul Mohan Ram has been proceeded against, they come forward and say that he is being made a scapegoat.

Now that the matter has gone to the court, whether the Parliament can take any action or not... (*Interruptions*) I say apart from the criminal offence, whether any person can be proceeded against by the Parliament or not for anything else within the competence of the Parliament is a separate matter. Therefore, I am not saying that because the case has been filed in a court of law, they should not talk about it for something also for which if evidence is found, and if they have a case, they can do.

Now, my friends say that there are other people also involved in it. May be there are others also involved, but if you have some evidence before you, you can produce that evidence. Or that evidence should be produced before the CBI. These friends claim many things on the floor of the House. I would like to know if any one of them could produce any bit of evidence to the CBI. If others are involved, nobody should be spared whether he is a Minister or an officer. I am not sparing anybody. On the other hand, if they have any evidence in this respect, they can place it before you to be forwarded to the investigating agency. Even now, filing of a report before the court does not mean that a supplementary charge-sheet could not be filed... (*Interruptions*) Now, one of them has been made an approver. They do not know the law of evidence. Suppose a person is made an approver—I am just saying, on academic grounds, I

do not know why they did it on this case—then if he becomes an accused, his statement becomes unacceptable against the other accused. That was why he was perhaps made an approver... (*Interruptions*) I am telling you. You do not now the law.

Now, filing of this charge-sheet against these three people does not preclude and does not bar a charge-sheet against other people. The police can file a supplementary chargesheet. If there is further evidence that evidence should be produced and the CBI is competent to file a chargesheet against others. That is the position.

SHRI SAMAR GUHA: The crux of the problem is this. This matter reached Parliament before CBI enquiry was instituted, before it was taken to the court. This reached Parliament much earlier. This is the position and we have to decide whether Parliament is competent enough to discuss this matter even if court proceedings can be instituted. There are two issues; number one is whether you can debar discussion in this House on this statement of the Home Minister. And then midway, he has to give the information as called for by Mr. Madhu Limaye. And today the assurance that was given was that before proceeding to the court the whole matter would be brought here. If need be a Parliamentary Committee may have to be set up. This matter is now taken to the court and under the guise of *sub-judice* they want to shield this scandal; they are trying to shut out this matter being discussed in Parliament.

SHRI DINEN BHATTACHARYYA (Serampore): Have you not read the assurance made by Shri Uma Shankar Dikshit?

MR. SPEAKER: I have tried to follow.

PROF. MADHU DANDAVATE: Historic ruling.

MR. SPEAKER: Every day it is all historic! So far as that assurance is there, I have seen it again and again,—it is categorical. Why not listen till the end and then decide after that—give the applause after the final sentence!

PROF. MADHU DANAVATE: Don't force us to withdraw applause, Sir.

MR. SPEAKER: No, no. I accept—it is all right.

The assurance was categorical, and my Chief concern is this. The MPs were involved in it. If it were somebody from outside, and the matter goes according to the law of the land, that is different. But here MPs were involved and so the House was seized of the situation. (*Interruptions*). It is not always my duty that I should have my ears open while speaking also and my eyes and ears also sometimes don't work simultaneously!

What was I saying?

SHRI R. S PANDEY (Rajnandgaon): That MPs were involved...

MR. SPEAKER: Yes, when the House was seized of the situation, and the MPs were involved, it is not an ordinary case just as the case where persons from outside are involved. So this came before the House and the House wanted to know what is to be done in this case and the Government gave this assurance that unless the information is before the House how can the House proceed in the matter. This is the background as far as I can remember. And then in the context of that, this assurance was given.

Now they have come with that statement after assurance, whether it is adequate or not. But, a difficulty has arisen because the C.B.I. instead of waiting and laying it before the House, has followed another course by

sending it direct to the court. This is another thing. The Minister says that it was beyond his power. It was under some sections or rules that they were compelled to send it and therefore he has got nothing to do with this.

Now the investigation report has also come. I can say that they have brought it before the House. On the other hand, it has gone beyond the control of the House because it has gone to the court. A plea can be taken that it is now a *sub-judice* matter. But, the intention as conveyed by the then Home Minister was that before the House proceeds with taking up any discussion, why not we have the full information. The information is given. But, something has happened which has come in the way of the House. A plea may be taken that it is now a *sub-judice* case.

I can very well imagine that there may be many matters about which you can say 'all right, go ahead'. But, this House is directly concerned with the honour of these MPs. So, some way should be found out of this tangle. I do not stand on prestige. The MPs, from this or that side have to show themselves that they are honest people. We do not like any black-sheep which may happen to come out of us. Many MPs resented because their signatures were forged. The CBI Report states that some of them are forged and some of them are doubtful. I do not say anything good or bad against it. I think that some way should be found. So far as M.Ps. are concerned, the House should be in a position to express its opinion. Let them think of this as to how to avoid this obstacle that has come in the way which the Minister says is out of his control but the law says is compulsion. We say that it could have waited. I would also request the Home Minister to look to this thing. Whatever has appeared in the press is sweeping. This is stated in a UNI report that the approver has said that. This is about the M.Ps.

SHRI SHYAMNANDAN MISHRA.
Congress M.Ps.

SHRI SHYAMNANDAN MISHRA:
That is wrong.

MR. SPEAKER: When you say Congress M.Ps., mention Congress (O) also I think we should not create a precedent. In the matter of decision about our own Members, some way should be found lest this House should be deprived of its own decision on their conduct and character, be they Ministers or ordinary M.Ps. belonging to this or that side; after all, we have to keep this image of Parliament clean. And this image can be kept clean only when it so appears in the eyes of the people and the public that the image is clean.

I will have to find a way out. In spite of this legal difficulty created over which the Minister says he had no authority to control, this and that

MR. SPEAKER. ...we should find a way to express our opinion on these issues. And where the information regarding that report is found lacking, I very hope the Home Minister will bear this in mind; we may be here today, we may not be there tomorrow, but there should be no man in future to point at us that 'they were such people who did such things'. So we will have to find a way out of this difficulty. Kindly let me think over it as to how to cross over it

18 40 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, November 15, 1974/Kartika 24, 1996 (Saka)