

13.52 hrs.

**BUSINESS ADVISORY COMMITTEE
TWENTY-SECOND REPORT**

**THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND SHIPPING AND
TRANSPORT (SHRI RAJ BAHADUR):**
I beg to move:

"That this House do agree with the Twenty-second Report of the Business Advisory Committee presented to the House on the 20th December, 1972."

SHRI JYOTIRMOY BOSU (Diamond Harbour): About this motion, I have my regrets, because certain Bills which were listed in the Bulletin Part II like the Urban Property Ceiling Bill are not coming before the House.

MR. SPEAKER: He attends the BAC meeting and then he comes here and speaks against it. I do not like it. This is an accepted convention. The question is:

"That this House do agree with the Twenty-second Report of the Business Advisory Committee presented to the House on the 20th December, 1972."

The motion was adopted.

13.53 hrs.

MATILR UNDIR RULE 377

LETTER FROM CHIEF SECRETARY, HARYANA TO THE COMPTROLLER AND AUDITOR GENERAL OF INDIA FOR CONDUCTING INQUIRY INTO THE AFFAIRS OF HARYANA STATE ELECTRICITY BOARD

SHRI SHYAMNANDAN MISHRA (Bengusarai): Sir, I want to make a few submissions which are of great constitutional importance and which relate to the dignity and impartiality of the exalted office of the Comptroller and Auditor General. The proposition I want to make is that the Government of Haryana has tried to involve this exalted office in a function which does not legitimately belong to its domain. The relevance of bringing this matter before this House is that this is as a sequel to certain charges

of corruption made against the Chief Minister of Haryana in the first instance by the legislators of the State and later supported by no less than 121 Members of Parliament. It is in that context that the Chief Secretary to the Haryana Government wrote to the Comptroller and Auditor General this letter dated the 8th November, 1972. This is the wording of the letter which the House must consider.

MR. SPEAKER: Are you sure about it?

SHRI SHYAMNANDAN MISHRA: I am prepared to authenticate it.

MR. SPEAKER: Do you take the responsibility for it?

SHRI SHYAMNANDAN MISHRA: Yes; complete responsibility. The letter says:

"I am directed to say that a memorandum was submitted to the President of India by certain M.L.As of the Haryana Vidhan Sabha in which allegations had been levelled against the Chief Minister of Haryana. Some of the allegations in the Memorandum pertain to certain purchase transactions made by the Haryana State Electricity Board. Sometime back the Chief Minister of Haryana had made a statement on the floor of Haryana Vidhan Sabha that he would get these allegations enquired into and thereafter an enquiry was conducted by the Director, Special Inquiry Agency under the Vigilance Department of the State Government. The finding of the Director, Special Inquiry Agency, was that in all these transactions, prescribed procedure had been followed. However, the Chairman of the State Electricity Board has requested that an inquiry into these all allegations may also be got conducted through an outside and independent agency and the State Government are in agreement with this suggestion.

Therefore, I am directed to request you in this behalf to get a special audit

[Shri Ram Niwas Mirdha]

conducted in respect of the Electricity Board so that the finding arrived at in the enquiry conducted by the Director, Special Inquiry Agency could be further verified...."

The point to which I want to draw the attention of the hon. House is that this letter gives a lead in the matter and asks the Auditor-General to merely rubber stamp the findings of its vigilance department.

MR. SPEAKER: Let him be brief.

SHRI SHYAMNANDAN MISHRA : Unless we consider the whole matter, how do you expect us to come to proper conclusions ?

The powers and functions of the Auditor-General are defined by the Constitution, and those powers are extremely limited, so long as Parliament does not pass a legislation extending the powers and functions of the Auditor-General. It is only at the instance of the Governor or the President of India that the Auditor General can conduct an inquiry of this kind. There is no mention in this letter that this has been done with the approval, or at the instance of the Governor, and so on. It cannot be done at the instance of the Chief Minister.

MR. SPEAKER. I allowed him two minutes under rule 377. He can ask the Minister to make a statement.

SHRI SHYAMNANDAN MISHRA : During the Calling Attention I did not take more than five or six minutes. That you do not appreciate. This is a matter which interests the entire House.

MR. SPEAKER: It will not interest many people.

SHRI SHYAMNANDAN MISHRA : The memorandum dated the 24th February 1972 itself makes a specific allegation about an appointment in the office of the Accountant-General. When that is the allegation, how can the office of the Auditor-General take note of it and go into this matter ? The specific allegation

is :

"The incharge of accounts being the biggest factor for providing either a great hindrance or a positive help in any attempt or scheme for a huge fraud on Board's funds, the then F.A.M. (Finance and Accounts Member) was decided to be replaced by some positively helpful officer of A.G.'s office. It was so manoeuvred that the present F.A.M. came to be appointed though he did not fulfil the eligibility conditions under the Act."

The name of that person is also mentioned here. This is another specific allegation made in the memorandum, that is, against an appointment in the office of the Accountant-General.

Therefore, my humble submission is that this matter should not be remitted the Auditor-General. This is intended for getting a blanket clearance certificate from the Auditor-General. It is an attempt to bring down the office of the Auditor General, to bring about the political contamination of the office of the Auditor-General. It must be decried and we must not allow this procedure to be adopted in the interest of the honour, dignity and impartiality of the office of the Auditor-General.

14 hrs.

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN): Mr Speaker, Sir, this is a matter between the State Government and the Comptroller and Auditor-General. When the State Government decides to take the aid and assistance of the Comptroller and Auditor-General to go into specific charges, certainly, it is for the Comptroller and Auditor General to decide about it.. In this particular matter, the C.A.G. has thought, as a specific request has been made to them, though normally it is a matter for the Auditor General of the State concerned to look into it....

SHRI JYOTIRMOY BOSU (Diamond Harbour): You mean the Accountant General ?

SHRI YESHWANTRAO CHAVAN): Yes, the Accountant General. Thank you for the correction. Wherever you deserve it, I give it.

MR. SPEAKER: Most of the time he does'nt.

SHRI JYOTIRMOY BOSU: That is a matter of opinion.

SHRI YESHWANTRAO CHAVAN: The C.A.G. has agreed—the Accountant General audits everything—as they have mentioned certain specific auditing to be done, to do it on certain conditions. (Interruptions) The C.A.G. certainly is competent to interpret the Act and he has correctly interpreted it. He has agreed that on certain definite conditions. One of the conditions is that the man of the status of Accountant General, as a special officer, will go and look into the matter, only about the specific charges regarding the Electricity Board, not other things. The specific charges about the Electricity Board will certainly be gone into. That will be done by a very independent person of the status of the Accountant General. (Interruptions). What is wrong about it? You want a certain independent authority..

SHRI SHYAMNANDAN MISHRA : That cannot be a substitute for an inquiry committee.

SHRI YESHWANTRAO CHAVAN : That is a matter of opinion. As to what the C.A.G. has done there is nothing wrong about it.

SHRI SHYAMNANDAN MISHRA : What about the constitutional powers or the legal powers of the Comptroller and Auditor General? Would you like him to be brought into the arena of controversy? We will doubt the integrity and findings of such a body in a matter like this. This is a political thing... (Interruptions).

SHRI JYOTIRMOY BOSU : Corrupt persons are being shielded.

SHRI SHYAMNANDAN MISHRA : This is to shield the corrupt Chief Minister of Haryana. The C.A.G. who is an officer for the entire country must not be a party to give clearance.... (Interruptions).

MR. SPEAKER: Order, please. We go to the next item now.

14.04 hrs.

MULKI RULES BILL

THE MINNSTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA): Mr. Speaker, Sir, I beg to move:

"That the Bill to provide for certain amendments to the Mulki Rules so as to limit their operation, for the validation of certain appointments and for the repeal, in a phased manner, of the said rules and for matters connected therewith, be taken into consideration."

14.04½ hrs.

[MR. DEPUTY-SPEAKER in the Chair.]

The Honourable Members are aware of the circumstances leading to the introduction of this Bill. The House has had occasion to discuss the Mulki Rules issue earlier on a call attention motion, and on November 27 the Prime Minister made a statement before the House on the decisions to meet the situation arising out of the Supreme Court Judgment given in October last. I therefore propose to mention briefly only the general scheme of the Bill at this stage.

The Bill is a very short one, consisting of 7 clauses and 2 schedules. The provisions of the Bill fall broadly into three parts. The first part, or the preliminary part, consists of the short title and the definitions clause. The second part relates to the past, and it consists of clauses 3 and 4. The third part relates to future, and it consists of clauses 5, 6 and 7 and the schedules. The provisions relating to the second part, namely, clauses 3 and 4, seek to amend the Mulki Rules for the duration of the period commencing from the formation of the State of Andhra Pradesh and ending with the commencement of the proposed legislation, and