

[श्री चन्मिका प्रसाद]

है। मिलों वाले ट्रेडर्स से कहते हैं कि हमें ज्यादा दाम दो तब हम बनस्पति घी देंगे। इस तरह के जो मिल मालिक हैं उनके खिलाफ कार्रवाई होनी चाहिए। वह ब्याह, शादियों का मौसम है। इसमें लोगों को तेल, घी आदि दिलाने की व्यवस्था होनी चाहिए। सिमेंट भी हमारे यहां नहीं मिलता है। वह भी उपलब्ध किया जाना चाहिए। उसका भी ब्लैक चल रहा है। हमारे क्षेत्र में इन चीजों का भयंकर अकाल है। उत्तर प्रदेश बहुत बड़ा प्रदेश है और उसकी आबादी के लिहाज से उसको इन वस्तुओं का कोटा मिलना चाहिए।

13.08 hrs.

RESOLUTIONS RE. RAILWAY CON-
VENTION COMMITTEE

THE MINISTER OF RAILWAYS
(SHRI L. N. MISHRA): I beg to move:

"That this House do resolve that the membership of the Parliamentary Committee to be appointed in pursuance of a resolution adopted by Lok Sabha on 7th May, 1973 to review the rate of dividend which is at present payable by the Railway Undertaking to General Revenues as well as other ancillary matters in connection with the Railway Finance *vis-a-vis* the General Finance and make recommendations thereon, be increased by 2 more members of this House to be nominated by the Speaker."

MR. SPEAKER: The question is:

"That this House do resolve that the membership of the Parliamentary Committee to be appointed in pursuance of a resolution adopted by Lok Sabha on 7th May, 1973 to review the rate of dividend which is at present payable by the Railway Undertaking to General Revenue as well as other ancillary matters in connection with the Railway Finance *vis-a-vis* the General Finance and make recommendations thereon, be increased by 2 more members of this House to be nominated by the Speaker."

The motion was adopted.

SHRI L. N. MISHRA: I beg to move:

"That this House do recommend to Rajya Sabha to agree to associate one more member from Rajya Sabha with the Parliamentary Committee to review the rate of dividend which is at present payable by the Railway Undertaking to General Revenues as well as other ancillary matters in connection with the Railway Finance *vis-a-vis* the General Finance and make recommendations thereon, to be nominated by the Chairman and to communicate the name of the member so appointed to this House."

MR. SPEAKER: The question is:

"That this House do recommend to Rajya Sabha to agree to associate one more member from Rajya Sabha with the Parliamentary Committee to review the rate of dividend which is at present payable by the Railway Undertaking to General Revenues as well as other ancillary matters in connection with the Railway Finance *vis-a-vis* the General Finance and make recommendations thereon, to be nominated by the Chairman and to communicate the name of the member so appointed to this House."

The motion was adopted.

13.10 hrs.

STATEMENT RE. REPORT OF SUGAR
ENQUIRY COMMITTEE

THE MINISTER OF AGRICULTURE
(SHRI F. A. AHMED): Sir, yesterday the hon. Member, Shri Laxminarain Pandeya, raised the question of the report of the Sugar Enquiry Committee. I have great pleasure to inform the House that the Report of the Committee was submitted to me yesterday evening and it is under examination.

13.11 hrs.

MOTION RE. ALLEGED MISLEADING
STATEMENTS BY MINISTERS

MR. SPEAKER: The House will now take up the motion to be moved by Shri Shyamnandan Mishra. The time allotted is four hours.

SHRI SHYAMNANDAN MISHRA
(Begusarai) : Sir, I beg to move :

"That this House deplores the conduct of Shri C. Subramaniam, Minister of Industrial Development, Shri V. C. Shukla, Minister of State for Defence Production and Shri H. R. Gokhale, Minister of Law, Justice and Company Affairs for misleading the House in their statements made in the House on the 22nd December, 1972, 1st March, 1973 and 7th March, 1973 with regard to the violation of the provisions of and orders made under the Indian Works of Defence Act, 1903 inspite of objections taken by the appropriate Defence authorities."

I am conscious of the fact that the subject is potentially explosive, if you take the entire gamut of it. A furious national debate, as it were, has raged on this subject for quite some time and some friends have mistakenly, and I am particularly pointing out to the hon. friends on the other side, taken it to be a detonator on their heads. Whenever this subject has been mentioned in this House, we have found the spectacle that they create now. Therefore, I have to say right in the beginning, rather let me assure this House, that I would try to defuse it and place it on a matter of fact and unemotional level. I would request hon. Members to co-operate with me and bestow on it a cool, objective and dispassionate consideration.

I am also quite conscious of the responsibility to handle it with due care because what is involved in this is not only the integrity of the three Ministers I have mentioned in the motion but also the question of the integrity of the Government as a whole. I may also say with all humility that what the three Ministers were doing represented a fall from the high standards which alone can sustain democracy. Could you believe that even now records are being tampered with and, thanks to Mr. Bansi Lal of Haryana, I would be able to produce some evidence of tampering with records in Government offices. That I propose to do during the course of my reply. I would not say anything about it just now.

I shall first give the profile of the subject in general terms. My charges against the three Ministers are quite a few,—probably

they number about seven or eight—and I propose to deal with them as fully as possible during the time that is available to me. I shall deal with them chronologically so that the full picture is before the House.

To begin with, two misleading statements, wrong statements, were made by Mr. C. Subramaniam and Mr. V. C. Shukla on the 22nd of December, when they intervened in the debate on the policy for the manufacture of a small car. There also I might say that these wrong statements were made during the course of my exchanges with the two Ministers, so that the House will realise that I have not gone out of my way to bring up this matter before the House. In fact, the injured party is, Shyamnandan Mishra in the first instance, secondly the House as a whole and, thirdly, the country itself.

Now, the flurry of misrepresentations that followed, and to which this House has been so statistically subjected, originated from the false statements made by the two Ministers, Mr C. Subramaniam and Mr. Vidya Charan Shukla, on the 22nd December, 1972. I maintain that these statements were made with a set design to promote and protect some private interest at the cost of the national interest or the public interest. From these statements which they made during the course of discussion on the small car project, it would appear that they had very unabashedly tried to mislead the House. Pointed allegations were made during the course of the debate that there have been violations of law, rules and regulations, guarding the defence installations at Gurgaon. It is in this context that the exchange took place and the two Ministers denied, firstly, that there had been any infringement of law, rules and regulations guarding the safety of the defence installations at Gurgaon. Secondly, they had denied that there was any objection from a competent appropriate defence authority in regard to the acquisition of land for private interest in the vicinity of the defence installations at Gurgaon.

These are the two mother mis-statements or misrepresentations from which the children—other mis-statements and misrepresentations—follow. I would not weary the House with the actual exchange

[Shri Shyamnandan Mishra]

that took place between me and the two Ministers. But may I remind the House that there had been an emphatic assertion, so far as the Minister of Industrial Development is concerned, that he was speaking as a Cabinet Minister, that he was speaking with all the authority of the Cabinet and that his saying so was perhaps more responsible than the Minister for Defence Production saying so.

These denials, I submit, were not off-the-cuff remarks of these Ministers made on the spur of the moment. They were not such remarks as tripped off their tongue all too suddenly. They were thoroughly premeditated, pre-conceived and pre-planned remarks. They were cool and calculated remarks made with the object of serving the private interest or the personal interest of some in the Government and some outside if you consider them against the background of my letter which I wrote to the Minister for Defence Production on the 22nd November, exactly one month before the debate on the small car project took place in the House.

What fate overtook my letter? Now, the House must consider in all seriousness that my letter has been replied to on the 5th May. I ask the House to consider the implication of the fact that a letter written on the 22nd November is replied to by the Minister of Defence Production on the 5th May. What a fun to receive a reply after 6 months or so! Could it happen in any country of the world where democracy is at work that a Member of Parliament writes a letter and he draws a blank? Then, I ask, whether you could treat it as a reply which the Minister was good enough to condescend to send me. Whether it can be considered as a reply at all? It is a mere acknowledgement after 5 or 6 months.

That gives the clue why these people have been trying to put a cover on the whole thing all the time. It is indeed a matter for you, Sir, also to consider because it is, in fact a matter of privilege of Members of Parliament to seek and obtain the information from the Ministers. If the Minister had complied with my request to furnish full information, I could have satisfied myself with any kind of reply. But even a reply was not forth-

coming Why? That is precisely because of the nature of the case which they were handling and because they did not want to come out with any kind of information in this regard. What had my letter asked for? My letter precisely asked for information—in fact, my letter was a warning in a sense that, if they wanted to be alert, this was the information which was going to be sought from them later—regarding the rules and regulations of the Defence Department that prohibit construction within a particular distance, within a certain distance, of defence installations. I had also sought to know whether my information was correct that the Defence Department maintained a safety belt of 1,000 yds. around ammunition depot and military installations. I had referred to a particular Notification issued by the Government of India in this regard, and it is that Notification which was later on pronounced as ineffective by the hon. Minister. I had asked for information on the 22 November, specifically referring to this Notification. If there had been such rules and regulations and laws, I had further asked, whether there had been instances of violation of those laws, rules and regulation; and if there were such violations, what consequential action had the Government taken with regard to them. These were, precisely, the pieces of information which I had sought to obtain from them.

As I told you, this letter drew a complete blank from them. They replied only on the 5th May—about 11 days back. Why had this reply come at all? The only answer is that perhaps, the matter was coming before the House and the hon. Minister thought that he was going to be hauled up before parliament for not showing even ordinary courtesy in this matter.

Mr. Speaker, these denials were thoroughly exposed when a crucial document, namely, the letter of the Commanding Officer dated the 11th March 1971 was discovered. Then it came to light that these denials were false. Through this letter the Commanding Officer had informed the Air Headquarters and the Chief Secretary, Haryana Government, on the 11th March 1971—even one letter from the Government of India is enough to put any Government on the mat and

here was a letter from the Commanding Officer on the 11th March, 1971 to the Chief Secretary of Haryana Government—that it had come to the notice of the Air Force Station that the Haryana Government had acquired certain land around the Gurgaon Depot, *vide* their Notification No. LAC/71/515 dated the 24th February, 1971. It was known, he had stated, that the land was acquired for the construction of a factory. And, subsequently, it came to be known that this was for the factory called the Maruti Limited. However, at this stage, I do not want to focus attention on the ownership of the factory or the person who heads that factory, although they are undoubtedly important and relevant in the consideration of the whole matter. The Commanding Officer had stated that acquisition of land for use by agencies other than those of the Government would constitute a risk to the security of the Explosives Depot as well as to the Air Field. I repeat he had particularly mentioned that this step would constitute a risk to the security of the Explosives Depot and the Air Field. The Commanding Officer had also drawn attention to two letters which had been, earlier, circulated to all the State Governments...

SHRI K. P. UNNIKRISHNAN (Badagara): Will you take responsibility for that letter?

SHRI SHYAMNANDAN MISHRA: I have already taken full responsibility for that letter.

This letter of the Commanding Officer had also referred to two letters of the Government of India, one pertaining to the year 1956 and another to the year 1966 which seek to impose restrictions and also ask for complete watch around the Air Force Station. He had enclosed a copy of the letter of 1956.

Now, in this connection it is important to remember that the relevance of this was brought out in this letter that the land in question is within 3500 yards of the perimeter of the run-way at Gurgaon. It is within 3500 yards of the perimeter of the Explosives Depot at Gurgaon and it is within the flying funnel area of the run-way at Gurgaon. Therefore, this letter of the Commanding Officer had drawn attention to the fact that this acquisition will be in contradiction of the restrictions

imposed on the utilisation of the land by agencies other than Air Force around the Explosives Depot, restrictions for which were indicated in the Indian Works of Defence Act, 1903. In fact, the Commanding Officer had considered the risk to the security of the Defence installations there so great and imminent and the violation of the laws so patent that he had asked for the immediate cancellation of this notification of the Haryana Government for the acquisition of the land there. Let the House bear in mind that he had asked for the cancellation of that notification and this letter was sent to the Chief Secretary of the Haryana Government too. About the violation of the law the letter of the Commanding Officer would mean to refer to two notifications, one of 1962 and another of 1969, which had been issued under Sec. 3 of the 1963 Act. Therefore, it is clearly established beyond any shadow of doubt that in denying that there had been any objection from the appropriate and the competent defence authority...

SHRI K. P. UNNIKRISHNAN: Which is this letter?

SHRI SHYAMNANDAN MISHRA: It is the letter dated 11th March, 1971.

SHRI K. P. UNNIKRISHNAN: Will you please read it?

SHRI SHYAMNANDAN MISHRA: I need not take the time of the House. But if you permit me time, I will read it out.

..... (Interruptions)

SHRI VIKRAM MAHAJAN (Kangra): In this letter, two notifications are not referred to.

SHRI B. P. MAURYA (Hapur): If you are so sure of the letter, the entire contents of the letter may come on the record.

SHRI SHYAMNANDAN MISHRA: I shall do that.

SHRI K. P. UNNIKRISHNAN: We want him to read that letter so that we could have a proper consideration.

SHRI SHYAMNANDAN MISHRA: As it is the demand of the House, I will read it. That will require time.

SHRI C. M. STEPHEN (Muvattupuzha): You may allow him time.

SHRI VIKRAM MAHAJAN: The hon. Member says that it refers to the 1962

and 1969 notifications. This we want to see.

SHRI B. P. MAURYA : The notification of 1969 is not within the knowledge of the author of this letter.

MR. SPEAKER : He sent that letter to me wherein he has said that he has already given a copy of it. I hope he has no objection to lay it on the Table of the House.

SHRI C. M. STEPHEN : He has raised this discussion on the basis of a document. We want that document.

MR. SPEAKER : Are you prepared to lay it on the Table of the House ?

SHRI SHYAMNANDAN MISHRA : I will read out the letter if you so desire... (Interruptions) I will lay it on the Table of the House after having read it.

SHRI VIKRAM MAHAJAN : The point that the hon. Member made was that it refers to two notifications of 1962 and 1969. We are challenging that this letter does not say so. That is why we want him to read that letter.

SHRI SHYAMNANDAN MISHRA : I shall place it on the Table of the House.

MR. SPEAKER : He will place it on the Table of the House.

SHRI K. P. UNNIKRIISHNAN : The whole picture changes with that.

SHRI PILOO MODY (Godhra) : The Ministers have given briefs to rather immature people, if you would permit me to say so.

SHRI SHYAMNANDAN MISHRA : That is going to land them in trouble, because I am fully equipped on this.

The letter reads thus :

"SECRET"

Telephone : 391730/21

54 ASP/4005/Wks.

No. 54A.S.P. Air Force,
c/o 56 A.P.O.

Headquarters Maintenance Command
I.A.F. (Attention : SAASO)

11th March 1971.

ACQUISITION OF LAND—AMMUNITION DEPOT, GURGAON

Reference is made to Air Headquarter letter No. Air HQ/S.37528/19W(Coord)

dated 17th April, 1966 addressed amongst others, to H.Q. Maintenance Command.

2. It has come to the notice of this station that the Haryana State has acquired certain lands around this depot vide their Notification No. LAC/71/515 dated 24th February, 1971.

3. An examination of the area involved has revealed that a major portion of the land so acquired falls within the restriction imposed by the Government of India, Ministry of Defence letter No. Air HQ/2085/114/2AF/7|106|D(Air) stores dated 13 August 1956; in that

- (a) It is within 3500 yards of perimeter of the runway at Gurgaon;
- (b) It is within 3500 yards of the perimeter of the Explosive Depot at Gurgaon;
- (c) It is within the flying funnel area of the runway at Gurgaon and within 1500 yards from the nearest end of the runway.

4. Whereas the purpose for which this land is being acquired is not specifically stated in the Notification, it is understood that the land may be under acquisition for construction of a factory. It is desired to submit that should this land be acquired for use by agencies other than those of the Government, it will constitute a risk to the security of the Explosive Depot as will as the Air field.

5. This acquisition will also be in contradiction of the restrictions imposed on the utilisation of the land by the agencies other than the Air Force around the Explosives Depot, restrictions for which are indicated in the Indian works of Defence Act, 1903.

6. Your Headquarters are requested to take up the matter with Air Headquarters and the State of Haryana to have this Notification cancelled.

Sd/- Commanding Officer
Mohinder Singh
Sqd/Ldr.

Copy to : Air Headquarters, New Delhi (D. Works) Chief Secretary, Haryana State. With copies of Ministry of Defence letter mentioned in para 3 of this letter."

13.33 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

श्री बी० पी० शर्मा : मेरा व्यवस्था का प्रश्न है। मिश्र जी को तथ्यों का ज्ञान नहीं है, वह अपने भाषणों में उस पत्र का हवाला देते हुए 1962 और 1966 के नोटिफिकेशन का उल्लेख कर रहे थे, जब कि इस पत्र में 1956 के नोटिफिकेशन का हवाला दिया गया है। इस पत्र के लिखने वाले को तो ज्ञान ही नहीं है कि 1962 और 1969 के नोटिफिकेशन क्या हैं ?

श्री अटल बिहारी वाजपेयी (ग्वालियर) : इस में व्यवस्था का क्या प्रश्न है ? ये अव्यवस्था पैदा करना चाहते हैं।

SHRI VIKRAM MAHAJAN : On a point of order. The hon. member was saying that he had got a copy of the letter in which the Commanding Officer had specifically stated that there are two notifications issued....

SHRI SHYAMNANDAN MISHRA : That I have said under the Act....

SHRI VIKRAM MAHAJAN : ...which are referred to in that letter.

MR. DEPUTY-SPEAKER : What is the point of order ?

SHRI VIKRAM MAHAJAN : The point of order is that what he has stated is not borne out by the letter. Kindly ask him to have it repeated. Then you will find that he has not correctly stated the facts.

MR. DEPUTY-SPEAKER : Order, order.

SHRI VIKRAM MAHAJAN : He is misleading the House.

MR. DEPUTY-SPEAKER : Everything is before the House. It is for the House to decide. There is no point of order.

SHRI SHYAMNANDAN MISHRA : What I had said is exactly this, that the

violation of law in the letter of the Commanding Officer would mean the violation of the provisions of the two notifications issued under the Act of 1903. It is not an ignoramus who is speaking about it. The 1903 Act would be operative only when the notifications, under sec. 3 of the 1903 Act, are issued. They become operative only then. Therefore, when he was referring to the 1903 Act, he was drawing attention to the restrictions which became operative after the issue of the two notifications. That is what I have submitted.

I would like the House to see now how untruth or falsehood proliferates according to its own logic or dynamism, how one deception after another, one fraud after another, has been perpetrated on this House so cynically and blatantly. They seem to believe in the Oscar Wilde's thesis. Nothing succeeds like excess. The normal thesis is "nothing succeeds like success."

So we now come to the second stage or phase of misrepresentations made by Shri Shukla. Only Mr. Shukla is in the field at the moment earlier, the two Ministers, Mr. Subramaniam, and Mr. Shukla, were in the field. On March 1, 1973, Shri Shukla made a statement in reply to the allegations made by me against him for misleading the House. In this statement, he has gone further to misrepresent and misinterpret facts and misinform the House. As Mr. Shukla knows that the ammunition depot was the most crucial and determining factor in the consideration of the charge of misrepresentation against him and his colleagues, he thought of playing a trick upon the minds of hon. members and he, therefore, introduced the concept not of the "ammunition depot" but of the "army ammunition depot". This is nothing short of a semantic deception. In the declaration of 1962 which seeks to ensure the security of the defence installations at Gurgaon, there is mention of the 'ammunition depot'—let this be remembered quite clearly—and not "army ammunition depot." The notification is unqualified and with reference to the ammunition depot, the addition or interpolation of the word 'army' is something short of being honest. This was introduced only to befuddle and confuse the minds, on the assumption that they would not notice the distinction between the "army ammunition depot" and the "ammunition depot."

[Shri Shyamnandan Mishra]

I assert, with all the emphasis at my command, that there had been and there is even now as of today an ammunition depot. Has anybody the courage to say from the other side that is not? I pause for a reply. There is an ammunition depot. In other words, the ammunition depot as a fact exists at the site to which the declaration of 1969 relates, and it can be verified by a physical check. Let the Chair appoint a committee to proceed immediately to the spot and out.

श्री शशि भूषण (दक्षिण दिल्ली) : मेरा प्वाइंट आफ आर्डर है। मिथ्र जी चैलेन्ज दे रहे हैं, हम स्वीकार करते हैं, उनकी बात से हम इनकार नहीं करते हैं कि वहाँ एम्मुनिशन डिपो था लेकिन महारानी पटियाला की जमीन भी एक्वायर की गई है इस इंडस्ट्रियल क्षेत्र में इसलिए यह सब कर रहे हैं—यह भी इस बात को स्वीकार करें। जब उनके चैलेन्ज को हम स्वीकार करते हैं तो यह भी स्वीकार करें कि महारानी पटियाला की जमीन की चिन्ता इन्हें अधिक है। (व्यवधान)

MR. DEPUTY-SPEAKER : Order please. If the Members want to intervene and go on record, I think that is quite in order, but do not abuse this rule on point of order, when there is no point of order.

SHRI SHASHI BHUSHAN : He is challenging.

MR. DEPUTY-SPEAKER : There is no point of order.

SHRI SHYAMNANDAN MISHRA : But the other side of the House has presented a better one to whom we can look to; why should they go to that Maharani who is no more in the House?

Sir, I was suggesting that a physical verification and check can be conducted by a committee of the House. Let the Chair appoint a committee to see whether the ammunition depot exists or not. And if the Government's hands are clean, I would expect that the other side of the House would also join me in making a request to the Chair that a committee should be appointed.

AN HON. MEMBER : It is irrelevant.

SHRI SHYAMNANDAN MISHRA : Since my hon. friend Shri Shashi Bhushan has said that there is no doubt that the ammunition depot exists, I do not have to proceed with the matter any further. But I can give further proof. (Interruptions)

In fact, Shri Shukla has himself admitted in his statement on the 1st March that there is an air force depot and he seems to suggest that it is an entirely different unit not related to the notification of 1962. My submission is that if the ammunition depot of the air force was an entirely different unit, it was so only in the administrative sense of the term. Administratively being different does not make it any different from an ammunition depot. Ammunition depot is a generic term which relates to the ammunition depots of all the three wings of the defence forces. Therefore, the 1962 declaration, mind it, referred only to the ammunition depot. Further my submission is that earlier there was a joint sharing of that area by the army and the air force ammunition depots. The works of defence include, therefore, all these ammunition depots.

Now, I come to the interesting part of the drama where the Minister of Law is seen going to any length to please his master. We are sorry that an eminent jurist like him should bring himself to adjusting his legal conscience to narrow and petty considerations.

What, in effect, the defence Ministry supported by the wonderful law Ministry tries to convey is that the area near Gurgaon has full freedom, that anybody could do anything he likes; it is a free zone and one can do anything; one can even blow up defence installations there. That is the impression which this wonderful Law Ministry seems to convey to us. If that is their view, I must say that this Government must quit because it has become a danger to the country. . . . (Interruptions)

According to Mr. Shukla and Mr. Gokhale the Declaration of 1962 became inoperative because of four reasons : firstly, the Army ammunition depot had been shifted from there; secondly the area which was given to the Air Force depot was not exactly the same as was given to the ammunition

depot; thirdly, both Shri Gokhale and Shri Shukla have vaguely referred to the de-requisitioning of certain areas, thus hinting that the restrictions there got automatically vacated and fourthly, there was a new declaration in 1969. And here is the legal wisdom of the Law Minister who says that since there was a notification in 1969 which was invalid, the earlier notification got repealed by implication. That is what the hon. Law Minister tried to convey to us.

I come to the first point, whether the shifting of the Army part of the ammunition depot completely abolishes the ammunition depot there. My submission is that it does not. The fact that the area was jointly shared by the Army and the Air Force depot has not been controverted and will not be controverted by anybody. That being so the ammunition depot as such remained even after the disbandment of the Army part of it, and, therefore, the declaration of 1969 was also thought necessary. As the notification of 1962 was meant to ensure the safety of the ammunition depot which comprises both the Army and the Air Force depot the *raison-d'être* of the notification of 1962 remains in tact.

Again by saying that the area which was given to the Air Force depot was not exactly the same, the hon. Law Minister has conceded that at least some part of it was identical or common. The words which he has used are: "The area was not exactly the same". That being so the legal basis of this argument falls. May I also refer here to a speech by an hon. Member belonging to his party in the Other House where he has conceded—I mean the speech of Mr. D. D. Puri—that we were making all this noise about only fifty acres of land which has continued to fall within the restricted zone. I can produce his speech made in the other House; he says that he had come to the conclusion after some enquiry into this matter...

MR. DEPUTY-SPEAKER: It has been a convention not to refer to the proceedings of the other House.

SHRI SHYAMNANDAN MISHRA: It is a public document now.

MR. DEPUTY-SPEAKER: If you do so, members of the other House will refer to our proceedings.

SHRI PILOO MODY: Anybody can do that since it is in the Hansard.

SHRI SHYAMNANDAN MISHRA: So far as derequisitioning certain part of the land is concerned, Mr. Shukla and Mr. Gokhale have not indicated under what provision of the law had this been brought about. The Act of 1903 does not refer to any derequisitioning. In Section 38 it only refers to the withdrawal of restrictions. Anyway, my position in this matter is that requisitioning or derequisitioning has absolutely no relevance to the imposition of any restriction under the Act of 1903.

The House will realise that the land may remain under the possession of any citizen and yet that land might be subject to restrictions under the Act for certain purposes. So, the requisitioning or de-requisitioning has absolutely no relevance to the imposition of the restrictions under the Act of 1903 and, if they are trying to blur this issue, it is not because of any pure intention to educate us in this matter.

What is significant to note here is that admittedly a portion of the area continues to be under requisition. This fact also makes a non-sense of the covert suggestion that anyone can do anything in this area.

The Law Minister, Mr. Deputy Speaker, has tried to mislead the House by suggesting that the notification of 1962 has ceased to be operative by a clear and necessary implication, as I said earlier, because of the issue of the notification of 1969. In support of this thesis, he has made a strange and untenable legal contention that although the subsequent notification of 1969 was operative or inoperative, it was valid or invalid, the notification of 1962 is repealed, by implication. But, it must be borne in mind that both Mr. Shukla and Mr. Gokhale had opined that the declaration of 1969 was invalid and it was not operative. If it is so, it is an astounding proposition to make that a valid notification can be repealed even by an invalid notification. The invalid notification has no existence.

SHRI K. P. UNNIKRIISHNAN: We are so sorry for it.

SHRI SHYAMNANDAN MISHRA: Why? Both of them have submitted that the 1969 notification is an invalid notification. If that is so, Mr. Deputy Speaker, Sir....

श्री मधु लिमये (शांका) : इतने लोग क्यों बोल रहे हैं ? मास्ती की दुम इतनी लम्बी है यह मुझे पता नहीं था ।

SHRI SHYAMNANDAN MISHRA : Unfortunately, an invalid notification has no existence in law, that is to say, it is non-est. Something which does not exist cannot, by any process of imagination, affect something which is lawful and which exists. The question of repeal by necessary implication is a well-known proposition in law and has been laid down by the Supreme Court in the case of the Northern India Caterers vs. State of Punjab (reported in A.I.R. 1969 Supreme Court—1581) where it has been held that :

"if the co-existence of two sets of provisions is destructive of the object with which the later Act was passed, the Court would treat the earlier provision as impliedly repealed".

That means that the two sets of provisions must co-exist. If the notification of 1969 was invalid, as is the case of the Law Minister, it cannot exist in law and if it cannot exist in law there cannot be any question of co-existing of the 1969 Notification with the 1962 Notification.

Therefore, the plea of implied repeal as put forward by the Law Minister is wholly untenable and was calculated to create deliberately a wrong impression as to the legal position.

In fact, the Law Minister himself has conceded that the 1969 Notification was valid and operative at the time it was issued. He, however, seemed to think that certain developments had taken place and therefore also it had been rendered infructuous. Now, it is submitted that once the valid notification is issued, accompanied by a Sketch Map and the demarcation of the boundary, the restrictions under the Act can be removed only by a process of law or by a subsequent notification repealing or cancelling the earlier notification. Those restrictions cannot go off the record only because some imagined developments have taken place, as the Law Minister wanted to say. In this case, my submission is, there was no subsequent notification repealing the notification of 1962 nor was there any process of law under the Act of 1963 put in motion to repeal this Act. The assumption that there was a new

situation by reason of the Air Force installation taking over the premises or by the so-called shifting of the Army part of the Depot is a wholly unjustified assumption not permissible in the facts of the case.

I come to another misrepresentation committed by them. Mr. Gokhale and Mr. Shukla have also invented the theory of deficiency in respect of the notification of 1969 in order to rationalise the dereliction of duty on the part of the Government. The whole edifice of this case built on the theory of deficiency in the notification of 1969 falls to the ground in the light of a letter written by the hon. Defence Minister, Shri Jagjivan Ram, to Shri Mahavir Tyagi. The letter is dated the 25th April, 1973. The letter says that the defects in the notification of 1969 were discovered only in December, 1972. My submission, therefore, is necessarily till such discovery, the authorities concerned, especially the defence authorities must have proceeded on the assumption that the notification had been validly made and there were operative restrictions in terms of the same notification. The Commanding Officer had written a letter on the 11th March, 1971. At that time, it could not be checked because the Defence Minister himself says they came to discover the deficiencies and defects in the notification of 1969 only in December, 1972. Therefore, that edifice completely falls to the ground. If the notification was necessarily treated to be valid till December, 1972, how could the same be ignored and who was there to ignore it and by what authority? The objections raised by the Commanding Officer in his letter of 11th March, 1971 could be ignored or overridden only by an arbitrary authority who was prepared to compromise the defence interests of the country. It could not have been done by any authority responsible to public opinion or to this House.

Then there is the interesting psychological phenomenon as revealed by the gratuitous remark of Mr. Shukla regarding the Maruti Ltd. You will remember that this remark was gratuitously made by the Minister of Defence Production on his own. I had not referred to the Maruti Ltd. This reveals an interesting psychological phenomenon on his part. I quote from his statement.

"It is relevant to note that all this happened much before Messrs Maruti Ltd. was even conceived of."

In support of my charge, I should like to place on the Table a document which I submitted to the Speaker during the course of one of my communications. This statement conclusively proves that Maruti Ltd. was conceived in 1968. The application No. is 854 of 1968. The address is "Sanjay Gandhi, New Delhi". The name of the location is "Gurgaon, Haryana State". As I had earlier submitted to you, I had made no reference to it. And yet, the minister made a reference to it *suo motu*.

14.00 hrs.

THE MINISTER OF INDUSTRIAL DEVELOPMENT AND SCIENCE AND TECHNOLOGY (SHRI C. SUBRAMANIAM) : Sir, on a point of correction. In the proposed location of factory, I am afraid, he read only the latter portion, leaving out the earlier portion. In the original application the proposed location of factory is...

SHRI SHYAMNANDAN MISHRA : He can mention all that in his reply. I am not yielding.... (Interruptions)

SHRI C. SUBRAMANIAM : He has concealed a fact which I would like to point out. The proposed location of factory : Faridabad, Tehsil Ballabgarh, District Gurgaon, State Haryana. The change of site was asked for in October 1970 and it was sanctioned on 7-11-70. Therefore, this should be kept in mind. So, when the hon. Member simply read instead of "District Gurgaon" only "Gurgaon, State Haryana" he was trying to mislead the House.

MR. DEPUTY-SPEAKER : Is the Minister reading from any Government Paper ?

SHRI C. SUBRAMANIAM : Yes, Sir.

MR. DEPUTY-SPEAKER : Then he should lay it on the Table.

SHRI C. SUBRAMANIAM : I will do that.

SHRI SHYAMNANDAN MISHRA : May I say that the statement that I made was from the note of the Licensing Committee and there it is mentioned "Gurgaon, Haryana State" ? So, the Minister has again tried to mislead the House.

The position is that Mr. Shukla's statement was unqualified. He did not mention about location and so on. He simply stated that Maruti Limited was not even conceived of around the 11th January, 1969. The

reference by Mr. Shukla to the Maruti Limited shows his guilt consciousness and gives the clue to the design for which the tissues and cobwebs of untruths have been so assiduously woven. This indeed is the clue to the design.

Shri Shukla also misrepresented the position when he said that neither the State Government, nor the Collector of Gurgaon, knew anything about the Notification of 1969. There is patent absurdity in this statement of Shri Shukla. He said :

"Neither the State Government nor the Collector of Gurgaon was sent a copy of this declaration or the statutory sketch map."

I would refer here to the fact—and I have the documents with me—that objections were registered by simple and illiterate villagers against the acquisition of land in the area in question and they had referred to the relevant notification before the concerned authorities.

Yet, the Haryana Government did not have any knowledge about this! When the peasants made a reference to it before the concerned authorities, the Haryana Government should have gone before those authorities to say that they have no knowledge about it. But they did not. Even these simple villagers quoted both the notifications of 1962 and 1969—one by implication. But Mr. Shukla wants the House to believe that the Deputy Commissioner of Gurgaon and the Government of Haryana were ignorant of the existence of the 1969 notification.

Moreover it must be emphasized that the notification had been published in the Central Gazette and that should be sufficient. A Gazette notification is a public notice and it does not require to be sent individually to every person or to every agency.

SHRI PILOO MODY : If a citizen is ignorant of the law, he is prosecuted.

SHRI SHYAMNANDAN MISHRA : It is nowhere mentioned in the Act that a public notification like a Gazette Notification will be sent individually to every person. In fact, it is the constitutional duty of the State Government to implement the laws of the Central Government. But what looks funny in this case is that neither the Haryana Government, nor the Deputy Commissioner, Gurgaon, nor the general public made any

[Shri Shyamnandan Mishra].

complaint, that they were not aware of the notification or the notification was defective. It is the Central Government which is saying so now.

My final complaint against Mr. Shukla is that he has misled the House in respect of the true content and the scope of the Defence Ministry's circular letter of 1956 which sought to have a measure of control over the construction of buildings and other structures in the vicinity of air force installations, both occupied and unoccupied. Mr. Shukla said :

"The Defence Ministry's letter also provided for mutual consultation between the Central Government and a State Government whenever necessary to settle such matters. Accordingly, the matter has been under examination in consultation with the Government of Haryana with reference to the facts on the ground."

My contention is that the circular letter of 1956 referred to consultations only when a State Government offended the directions of the Central Government. It did not refer to consultations taking place if the offender was a private party. I would like to quote paragraph 2 of the letter which has specifically referred to an instance of a State Government commencing works on a tall structure. But probably, you do not want to me to read out the entire extract from the letter of 1956.

AN HON. MEMBER : He has taken too much time.

MR. DEPUTY-SPEAKER : I am very much conscious that he has taken more time than he should. But on a debate like this, I would not like any impression to get round the country that anything is being suppressed. I would like the whole thing to come up.

I think, we should take that into consideration. If an impression goes round that somebody is being suppressed, that certain wings are not allowed to come up, it will not make for a healthy debate.

SHRI N. K. P. SALVE (Betul) : This philosophy will apply to both the sides. We can also have that privilege.

MR. DEPUTY-SPEAKER : It will apply impartially. But we have also to make this distinction that he is initiating the debate and the rules do allow a little more

time to him than others. As far as the ruling party is concerned, there are a large number of names. We will try to see that nobody is cut off. Even so, there are certain obvious limitations which we have to bear in mind.

SHRI SHYAMNANDAN MISHRA : Sir, I am ending this chapter of my allegations against these three Ministers.

I would like to say that the Government has not covered itself with glory by offering all kinds of puerile and futile arguments in extenuation of the offence they have committed. If these three Ministers had frankly admitted that they in their excessive zeal to serve their master have committed a lapse, probably the House would have been a little more indulgent. Their attempts at misrepresentation of the entire position have been so persistent and premeditated that the guilt has been compounded and what the House is faced with is a conspiracy to deceive it. If you piece the statements of these three Ministers, you will clearly see the *mala fides* of the Government. You cannot resist the conclusion that there is an unworthy design behind it.

In the final tally or reckoning, therefore, the position is : first, the laws' rules and regulations governing defence installations have been violated in order to protect private interests at the cost of the paramount interest of the country in the sphere of defence and security; secondly, the notification of 1962 has been falsely pronounced to be dead although it is alive, establishing thereby that even murder of law could be committed in order to benefit a private individual...

SHRI PILOO MODY : What did you do with the body ?

SHRI SHYAMNANDAN MISHRA : Now it is clear that the notification was neither withdrawn nor cancelled and yet, its operation had been prevented by the Government to help a private individual, highly placed.

Thirdly, the notification of 1969 was issued in a valid way—the notification states that it was accompanied by a sketch map—and yet, to suit an ulterior design it had been proclaimed as invalid.

The Government have also propounded a strange theory that Gazette notification is not a public notice.

Fourthly, assuming for the sake of argument—and on this the House must ponder a little seriously and we must not be in the mood in which some of the hon. members persuade themselves to be—that these two notifications were inoperative or invalid, the question arises why a fresh notification was not issued soon after in order to protect our national interest, in order to protect our defence interest. The Defence Minister says that he came to know of the deficiency in the Notification in the month of December 1972. Now we are deep into the year 1973, and upto this time no fresh notification has been issued.

Also the question arises, if these notifications were inoperative or invalid, what happened to the letter of 1956, what happened to the circular letter of 1966, which also sought to impose restrictions. Why were they not implemented? The danger remains very much in that area because private works remain within the prohibited perimeter. It is also obvious that the Air Headquarters letter of 1966, which reiterated certain instructions issued by the Air Headquarters in July regarding the need for a strict watch around the airfields has also been deliberately rendered infructuous by the Government.

It is most amazing that the letter of the Commanding Officer dated the 11th March, 1971 had also been rendered infructuous by the Government. Does the House not require a word in explanation why the letter of the Commanding Officer was not acted upon?

Now I refer to another letter by the Commanding Officer of 1965 in which he had asked a simple and ordinary constable not to proceed with the construction of a well in that area; in 1965, the Commanding Officer, had told that constable that his well would be demolished; if he proceeded with the construction of the well, it would be at his cost. That letter is with me.

Now I am told that the Commanding Officer who had written the letter in 1971 is being penalised for doing an efficient prompt and honest job! And it is also being suggested—you cannot prevent the tongue of calumny from wagging—that Mr. O. P. Mehra has been brought in only to slur over the irregularities... (Interruptions)

SHRI C. M. STEPHEN: How is it relevant?

SHRI VIKRAM MAHAJAN: We want these words to be expunged... (Interruptions)

MR. DEPUTY-SPEAKER: Before I come to your point of order, there are certain well-established rules. He has made certain remarks and there have been protests against it that these remarks are baseless and I think the Government will also have a chance to repudiate them. We cannot just expunge them... (Interruptions)

SHRI K. P. UNNIKRISHNAN: The security of the country is involved. Are you permitting him to continue like this?

SHRI VIKRAM MAHAJAN: Kindly see Rule 380 which says:

"If the Speaker is of opinion that words have been used in debate which are defamatory or indecent or unparliamentary or undignified, ..."

he may expunge them... (Interruptions)

MR. DEPUTY-SPEAKER: Order, please.

SHRI H. N. MUKERJEE (Calcutta—North—East): Cannot they put up some less ignorant people?

MR. DEPUTY-SPEAKER: I have heard your point of order. You kindly tell me... (Interruptions) I know. I have to satisfy them also as anyone else. He has made certain statements. You kindly tell me by what stretch of imagination it is defamatory? By what stretch of imagination it is undignified? It is open to the House, to the Government and also to others to say that it is entirely baseless.

SHRI VIKRAM MAHAJAN: What more defamatory can it be than to say that a senior officer of IAF has been brought for this purpose? Is it not defamatory?

SHRI R. S. PANDEY (Rajnandgaon): And the motivation of the hon. Member has by bringing in the name of a particular officer has to be looked into.

MR. DEPUTY-SPEAKER: If you put the Chair in this position—I am on my legs—that I have got to go into the motivation of Members who speak, then it will be impossible to run this House. I am here only to regulate the proceedings, I am here

[MR. DEPUTY SPEAKER].

only to guide the House and I am not here to find out the motivation ... (Interruptions)

You are only giving Mr. Mishra more chance to take more time. He should have concluded by now.

श्री मधु लिमये : मेरा व्यवस्था का प्रश्न है। मैं बड़े गौर से यह बहस सुन रहा हूँ। अभी तक श्री मिश्र ने एक भी ऐसी बात नहीं कही है, जिस के ऊपर हल्ला करने की जरूरत हो। आज सबरे अध्यक्ष महोदय ने मुझ से कहा कि "गुंडई" का इस्तेमाल न कीजिए। लेकिन दस दस लोग एक-साथ खड़े हो जाते हैं, यह क्या है? मैं इस पर आप का निर्णय चाहता हूँ कि यह है क्या। क्या मारुति की पूछ इतनी लम्बी हो गई है?

SHRI N. K. P. SALVE : I am rising on a point of order. The question raises an extremely delicate and important issue. If we are going to refer to our Defence Services in the disparaging terms in which Mr. Mishraji has referred to, then, Sir, it is going to be extremely hot for him. I am under Rule 353 which in terms state:

"No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the Member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply..."

There is a proviso:

"Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House..."

I submit that Mishraji's remarks are derogatory to the dignity of the House. This House has gratefully recognised the services of our defence forces for what they have achieved for our country. If the hon. Member is going to make this type of disparaging remarks without observing the rules, I submit, in all humility, that you should prohibit him in terms of Rule 353 so that we show our due respect to our services.

I seek your prohibition order under the rule.

SHRI C. M. STEPHEN : I am rising on a point of order.

MR. DEPUTY-SPEAKER : Is it different?

SHRI C. M. STEPHEN : Yes, it is different.

MR. DEPUTY-SPEAKER : Then, let me dispose of the other one.

The whole debate now centres round certain violations of certain rules relating to defence installations, and, therefore, we cannot avoid making reference to these. That is the first point. The second point is that here he has only made a certain statement that a particular officer has been inducted for a particular purpose. We have to make a very fine distinction. Now, here is a statement made and it is for the Government to refute it. He has not said that this officer has done this or done that and so on and so forth. If he goes to that limit of making allegations against that particular officer, then it comes under this rule, but he is only making the statement that the Government has inducted this officer for a particular purpose. So, it is for Government really to refute it.

I know that this is a very sensitive question and it has been dragging throughout the whole session. I would like that the air be cleared once and for all in the whole country in the best interests of everybody. I would like the air to be cleared once and for all in the best interests of the Government, of the nation and of the country.

SHRI VIKRAM MAHAJAN : These baseless charges pollute the air even more.

MR. DEPUTY-SPEAKER : The hon. Member is quite right even in saying that Shri Shyamnandan Mishra has done this with a motivation; it is open to him to say that, and it will all go on record. But let us make this fine distinction. If he had gone beyond saying that this particular officer had done this and that, then it comes under this rule. But when he has only said that this officer has been inducted for this particular purpose, I think that it is for Government to refute it and the matter should rest there.

THE MINISTER OF STATE (DEFENCE PRODUCTION) IN THE MINISTRY OF DEFENCE (SHRI VIDYA CHARAN SHUKLA) : This allegation that

has been made by Shri Shyamnandan Mishra that Government is penalising this commanding officer is absolutely false and baseless and untrue....

SHRI ATAL BIHARI VAJPAYEE : On what is he rising ? Is he rising on a point of order ?....

SHRI VIDYA CHARAN SHUKLA : I am only denying the allegation.

MR. DEPUTY-SPEAKER : Very often points are raised which are not found to be points of order later and the Chair has ruled them out. So, let me first hear the hon. Minister.

SHRI VIDYA CHARAN SHUKLA : I am only denying an allegation which has been made.

SHRI SHYAMNANDAN MISHRA : He can deny it when he replies later.

SHRI ATAL BIHARI VAJPAYEE : He can reply later and deny this allegation.

MR. DEPUTY-SPEAKER : Do I not have even the right to hear his point of order ?

SHRI S. A. SHAMIM (Srinagar) : He did not even say that he was on a point of order.

MR. DEPUTY-SPEAKER : Let me hear him first.

SHRI S. A. SHAMIM : He has not said that he was on a point of order.

MR. DEPUTY-SPEAKER : I heard him say 'I rise on a point of order'. I heard him say so. Now, I want to hear him. That is all.

SHRI A. P. SHARMA (Buxar) : On a point of order....

MR. DEPUTY-SPEAKER : Why should he not allow the hon. Minister to say what he wants ?

SHRI VIDYA CHARAN SHUKLA : I have already denied the allegation that has been made by the hon. Member.

SHRI ATAL BIHARI VAJPAYEE : Denial is no point of order.

SHRI VIDYA CHARAN SHUKLA : I have not risen on a point of order. I am only explaining....

SHRI SHYAMNANDAN MISHRA : Then what he has said must be expunged.

MR. DEPUTY-SPEAKER : I have already said at the beginning that many points of order are raised which are later on found to be not points of order at all and they are ruled out. Now, the hon. Minister has denied that he rose on a point of order. So, there is no point of order. The hon. Minister will have the chance to reply later.

SHRI C. M. STEPHEN : I had sought your permission to raise a point of order already.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : All this time taken on points of order should not be counted towards Shri Shyamnandan Mishra's speech.

MR. DEPUTY-SPEAKER : The point of order time would not be added to this. This would be treated as extra.

SHRI C. M. STEPHEN : Under the rule concerning relevancy, we have got to make a distinction. What exactly is the matter before the House ? The Motion before the House deplors the conduct of so and so for misleading the House in their statements. The statements are here. Whether they are factual or not is the only matter before the House. That has been discussed by the hon. member. Now after having stated his case on that, he goes on to give certain other stories. That is certainly not within the ambit of this Motion. He goes on to say that these things are happening, these things are happening. We are to discuss the Motion (*Interruptions*) There is a particular Motion before the House. The only question before us is whether the statements made by the Ministers here were intended or tantamount to misleading the House. That particular question can be dealt with. Now after dealing with it, to proceed to say some other things which have absolutely nothing to do with it is out of order.

MR. DEPUTY-SPEAKER : What is the 'things' ?

SHRI C. M. STEPHEN : He said because this particular officer wrote this particular letter, victimisation action is being taken. My humble submission is that this observation is irrelevant to this particular matter. It is not necessary for the purpose of establishing the case he seeks to establish, to refer to something which is happening

[Shri C. M. Stephen]

subsequent to that, correct or not. It is something which is happening subsequent to that. To state that will not lend colour to the question whether they were misleading the House or not. Therefore, the allegation Shri Mishra is now seeking to make is irrelevant to the Motion before the House and this may not be allowed. (*Interruptions*) I am under the rule with respect to relevancy.

SHRI S. A. SHAMIM : I am going to enlighten the House...

MR. DEPUTY-SPEAKER : Order, order. I cannot hear everybody. I wish Shri Stephen had read the whole Motion before the House—'certain misleading statements with regard to the violation of the provisions of and orders made under the Indian Works of Defence Act'. That misleading statement is with regard to this. So how can you mention about that without reference to this? All this comes within that, violation of the provisions and so on and so forth (*Interruptions*).

SHRI A. P. SHARMA : On a point of order, under rule 352(v) :

"reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms".

Now, here he can make a reference according to me (*Interruptions*).

MR. DEPUTY-SPEAKER : Let me hear him. What am I here for? To hear every member. Let him make his point.

SHRI A. P. SHARMA : My point of order is that whereas Shri Mishra can refer to or question the intention of the Government, he cannot mention the name of a particular officer who is not here to defend himself. There has been a ruling in this House that no reference to a particular officer should be made mentioning his name.

MR. DEPUTY-SPEAKER : Order please (*Interruptions*) Why don't you allow me to proceed?—Who is that member? Kindly restrain him. I only say to Shri Sharma that he has entirely misread the rule. If you say that a particular officer of the Government is a person in high authority, then you are really wrong. Here by this we mean certain people. You may mention the President or the Speaker or the Deputy-Speaker (*Interruptions*).

SHRI C. M. STEPHEN : That is interesting.

MR. DEPUTY-SPEAKER : The Constitution is very clear that you can criticise these people only in the form of a motion. Under the Constitution, it is only with relation to people of such authority. You have misread it altogether.

DR. HENRY AUSTIN (Ernakulam) : Mr. Deputy-Speaker, I would like to point out that the statement made by the hon. Member is incriminatory; he is incriminating a military officer. Under rule 353, it is clearly said that no allegation of a defamatory or incriminatory nature shall be made. What he said is really incriminatory, and as such it should not form part of the record.

MR. DEPUTY-SPEAKER : I have given my ruling on that.

DR. HENRY AUSTIN : That was with reference to "defamatory". That is not relevant here. What is more relevant here is "incriminatory". It is a very serious matter.

MR. DEPUTY-SPEAKER : I have given my ruling. If he had said that this officer has done this and that, then the rule will be attracted. He has only stated that this officer has been inducted by the Government for a particular purpose. I have given the ruling.

SHRI S. A. SHAMIM : Sir, my point of order is this. According to the Criminal Procedure Code, the conduct of an accused is not to be proved before committing the offence. After committing an offence the proof of his conduct becomes relevant. Therefore, in this case, it has to be proved. I do not know whether my point of order is very relevant or not.

MR. DEPUTY-SPEAKER : Order please It is not relevant. I have already given my ruling.

SHRI PILOO MODY : Point of order, Sir. Rule 285 says that Maruti cannot be saved by points of order!

MR. DEPUTY-SPEAKER : Allow him to conclude. Now, please conclude.

SHRI SHYAMNANDAN MISHRA : I am concluding.

Mr. Deputy-Speaker, Sir, some persons have called this affair as the Watergate of India. May I say that the person who

has characterised it as the Watergate of India has been less than fair to Watergate. This is much more serious, much more appalling.

What is the way out of this given situation? In this, the State has been used not as a "State" but as an "estate", where we do not find that our defence installations are safe, our defence interests are safe.

What is the way out of this? May I submit in all humility to the Government, and particularly to the Prime Minister who is not in the House—now probably they will have to come with an amendment to the Constitution that the Prime Minister of India need not be a Member of Parliament, the Leader of the House may not be there, though in such circumstances (very difficult situations), she could help us out however, this is not the occasion to make a complaint about it—that in the case of Watergate...

MR. DEPUTY-SPEAKER: Watergate has added a new word to the dictionary. You are enlarging the scope.

SHRI SHYAMNANDAN MISHRA: No, Sir. There, President Nixon has promised a full probe into the matter and he has said to the nation, "I can assure you that we shall get to the bottom of the whole deplorable incident."

My submission to the Prime Minister would be that a Commission of Inquiry should be appointed to go into this matter. That would be in the interest of maintaining and preserving the fair name and position of the Prime Minister. Secondly, my suggestion would be that the Maruti Ltd., and other private constructions which have been raised in the vicinity of the defence installations at Gurgaon should be removed from that area. And they will have to be removed, I say. I make a prophetic announcement that this will have to be removed because the Prime Minister cannot always remain the Prime Minister of India. She will have to be an ex-Prime Minister some time, and in Parliament we will see to it that the Maruti Ltd., and the other private constructions—not out of any prejudice against or obsession with the Prime Minister but because we want that our defence installations should be

safe—are removed from that area. And they will be removed from that area. I say. It would, therefore, be graceful on her part to concede our demand that it is immediately removed from there.

SHRI PILOO MODY: In response to Mr. Mishra, I say that I will definitely remove it.

MR. DEPUTY-SPEAKER: Motion moved:

"That this House deplores the conduct of Shri C. Subramaniam, Minister of Industrial Development, Shri V. C. Shukla, Minister of State for Defence Production and Shri H. R. Gokhale, Minister of Law, Justice and Company Affairs for misleading the House in their statements made in the House on the 22nd December, 1972, 1st March, 1973 and 7th March, 1973 with regard to the violation of the provisions of and orders made under the Indian Works of Defence Act, 1903 in spite of objections taken by the appropriate Defence authorities."

In this connection I have received notices of two amendments from Mr. Madhu Limaye and Mr. Chavda. They were given only today; one of them was given only a little while ago. Under the rules amendments have to be given one day in advance. Shri Madhu Limaye has given the reason: he said he was not here and that he came only this morning. That is no reason. The rules of also say that if any objection is taken by the House, that objection will prevail. I should like to have the sense of the House. If they have any objection, I am helpless in this matter.

SOME HON. MEMBERS: You must go by the rules.

MR. DEPUTY-SPEAKER: I think the House objects to it.

श्री मधु लिमये : आप पहले एक मिनट सुनिये । सुने बिना कैसे फैसला करेंगे । मेरा प्लाइन्ट आफ आर्डर है—नियमों में आप को यह अधिकार है और कई बार इस सदन में इस तरह के संशोधन लिए गए हैं । अगर आप चाहें तो मैं कई मिसालें आप को दे सकता हूँ । आप इसको पढ़कर सुनाएँ, ये लोग किस पर विरोध कर रहे हैं ?

MR. DEPUTY-SPEAKER : I know Mr. Madhu Limaye tries to make out that discretion is with the Chair. But it is for the Chair to make use of that discretion. I can exercise my discretion by going by the sense of the House.

SHRI K. S. CHAVDA (Patan) According to rule 345 it is not necessary. You read the last sentence: "...unless the Speaker allows the amendment to be moved without such notice." Even without giving notice, you are entitled to exercise your discretion and allow an amendment to be moved. It is not necessary to take the sense of the House.

MR. DEPUTY-SPEAKER : You have read only one rule. Other rules are there. Rule 79 is there; it is the same with any kind of amendment and it says: "If notice of an amendment...has not been given one day before the day..."

SHRI PILOO MODY : That does not apply to this. It applies to Bills.

MR. DEPUTY-SPEAKER : It applies. You cannot make a distinction; an amendment is an amendment; both the rules are there. Any Member may object to the moving of the amendment, and such objection shall prevail. If you want my ruling just on my own discretion, I think it is not conducive to a smooth debate in this House.

श्री मधु लिमये : मेरा प्वाइन्ट आफ आर्डर आप ने सुना ही नहीं है। पहले मेरा प्वाइन्ट आफ आर्डर सुनिए, बाद में निर्णय दीजिए। उपाध्यक्ष महोदय, पहले आप ने कहा था कि मैं सदन की राय लूंगा, अब आप स्वयं फैसला देने जा रहे हैं। मेरा संशोधन क्या है, जिस पर इन की राय ली जा रही है ?

MR. DEPUTY-SPEAKER : If you want me to go by the merits of the draft amendment which you have sent to me, if you are going to argue that...

SHRI PILOO MODY : How else can the sense of the House be taken ?

MR. DEPUTY-SPEAKER : The sense of the House is only to the limited extent, whether an amendment can be accepted now, when it is time-barred

श्री मधु लिमये : उपाध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न पूरा होने दीजिए। विधेयकों के बारे में और प्रस्तावों के बारे में नियम अलग हैं।

नियम 345 इस तरह से हैं :

"Notice of an amendment to a motion shall be given one day before the day on which the motion is to be considered, unless the Speaker allows the amendment to be moved without such notice."

इसमें सदन की राय का कहीं सवाल था ? मैं केवल यह संशोधन मूव करना चाहता था... (व्यवधान) यह कोई प्रक्रिया है ? मैं प्वाइन्ट आफ आर्डर पर खड़ा हूँ।

SHRI JYOTIRMOY BASU : Sir, I rise on a point of order. There should be some consistency in the behaviour of the Chair. In the past, many a time, you have accepted such amendments. I would request you to accept this amendment also.

श्री मधु लिमये : पहले आपने हाउस का सेंस लिया तो किस नियम के अन्तर्गत लिया ? मेरा संशोधन यह था**

MR. DEPUTY-SPEAKER : Order. order. This will not go on record.

श्री मधु लिमये : ये बीच में नहीं बोल सकते हैं, मेरा प्वाइन्ट आफ आर्डर है। आप बोल सकते हैं।

MR. DEPUTY-SPEAKER : Now I shall give my ruling.

श्री मधु लिमये : मैं ने पूरा नहीं किया है।

SHRI C. M. STEPHEN : He has a right to speak.

SHRI SAMAR GUHA : Sir, I want to know from you as to who is controlling the House—yourself or other Members. It is pertaining to the Chair. Whether Shri Limaye is speaking according to the rule or not it is you who are to decide.

MR. DEPUTY-SPEAKER : Now, we are confined to this point whether an amendment can be moved now at this late

stage. I have heard the point of order. I shall hear Shri Limaye again. I am not giving my ruling. I am only trying to clarify the position that we are confined only to this question whether an amendment can be moved now at this late stage. We are confined to that only. If Shri Limaye oversteps that bound and begins to speak on his amendment and read out his amendment, then he is going beyond the scope and that will not go on record. If you want to make a submission that your amendment can be accepted even now without referring to what the amendment is, you are at liberty. I shall hear you again.

श्री मधु लिमये : आपने मेरा प्वाइन्ट आफ आर्डर सुना नहीं है। आपने दो दफा निर्णय बदले हैं। आप मेरा प्वाइन्ट आफ आर्डर पूरा सुनिये।

MR. DEPUTY-SPEAKER : Kindly listen to me for a little while. Now, in the first place, notice for this discussion has been given to the Members quite a few days ago. It was known. The Minister for Parliamentary Affairs while announcing the week's business, had mentioned this and therefore, it was known.

SHRI PILLOO MODY : But, the Minister made an incorrect statement.

MR. DEPUTY-SPEAKER : So, it was made known. If the Members had taken the trouble and the pains, they should have sent an amendment in time. (Interruptions) You have pointed out the rule. I shall come to you.

श्री मधु लिमये : बात बिल्कुल सरल और सीधी है। केवल एक दफा नहीं, पचासों दफा अध्यक्ष महोदय ने इजाजत दी है। इसमें इन लोगों का कोई सवाल नहीं है, आपको ही निर्णय करना है। पचासों दफा पचासों सदस्यों को अनुमति मिलती है। चूंकि मैं केवल प्रधान मंत्री का नाम ला रहा हूँ इसलिए मुझे अनुमति नहीं मिलेगी ? मुझे पूरा विश्वास है कि आप मुझे निश्चित रूप से अनुमति देंगे क्योंकि आप निष्पक्ष

व्यक्ति हैं। आप सदन और कुर्सी की गरिमा की रक्षा करेंगे इसलिए मेरे मन में कोई सन्देह ही नहीं है।

MR. DEPUTY-SPEAKER : If they had taken the trouble, they could have sent an amendment yesterday. It is very correct that it is the discretion of the Chair to allow an amendment even at a late stage. The discretion is a discretion whether it is in the interest of a smooth, meaningful debate to exercise the discretion or not. When there is so much of objection in the House when the debate is to much surcharged with emotion, when a little loose control from the Chair may lead to a complete disruption of the debate, I think it would be the height of indiscretion for the Chair to allow an amendment at this stage. So, I disallowed. Mr. Salve.

श्री मधु लिमये : उपाध्यक्ष महोदय, मैं इनको बीच में टोकना नहीं चाहता इसलिए पहले ही मेरा व्यवस्था का प्रश्न है।

जहाँ तक श्री श्यामनन्दन मिश्र जी के भाषण से मैं समझ पाया हूँ, इनके द्वारा सदन की मेज़ पर एक गुप्त कागज़ रखा गया और उसकी आंशिक सत्यता के बारे में सरकार के द्वारा कुछ आक्षेप उठाए गए हैं। ऐसी हालत में आपका जो नियम हमारे यहाँ कागज़ात सदन की मेज़ पर रखने के बारे में है और इसके बारे में एक पहले भी कुर्सी का निर्णय है, इसको देखते हुए मैं चाहता हूँ कि उसकी जो मूल प्रति है वह सदन की जानकारी के लिए तीन चार रोज़ के लिए यहाँ रखी जाये, वह आपकी निगरानी में कस्टडी में रहेगी। पहले भी ऐसा हुआ है। ओरीजनल कापी रखी जाये, प्रतिलिपि नहीं। एक दफा ऐसा निर्णय हुआ है। तो जो मूल प्रति है वह तीन चार दिन तक रहे और उसके बाद वह वापिस लौटा दी जाये और फिर कापी रखी जाये। चार दिन तक हर सदस्य उसको देखेगा और उसके बाद वह लौटा दी जाये और फिर जो प्रमाणित कापी है वह रखी जाये। इसके बाद श्यामनन्दन जी का जो मुद्दा है उसकी पुष्टि...

[श्री मधु लिमये]

(व्यवधान) मैं आपकी हमेशा मदद करता हूँ, आप भी हमारी मदद कीजिए। ऐसा मत कहिए कि मानहानि भंग का मोशन उठता ही नहीं है।

इसलिए आप इस पर स्पष्ट निर्णय दीजिए। अगर आप चाहते हैं तो मैं मिसालें निकाल कर दूंगा क्योंकि यह तो इन्कार नहीं करते हैं कि ऐसा पत्र नहीं है बल्कि कहते हैं दो तीन आंशिक बातों में फर्क है। तो क्या इन्होंने बाद में कोई गड़बड़ घोटाला किया है या नहीं किया है, हमको जानकारी होनी चाहिए। इसलिए आप सदन की मेज पर बड़े बन्दोबस्त में उसको रखें, तीन दिन तक सदस्यों को उसे देखने दिया जाये इस पर आप सोच समझ कर निर्णय दीजिए।

MR. DEPUTY-SPEAKER : I shall look into it. Mr. Salve.

SHRI N. K. P. SALVE (Betul) : Sir, I have listened with undivided attention to the speech of Shri Shyamnandan Mishra. So far as the merits of the speech are concerned, I shall come to them shortly. But so far as the duration of the speech is concerned, in my short association with Lok Sabha of 7 years this is the longest speech that I have heard. He is an esteemed friend of mine. If a case is sought to be made out one could make it a little more brief, a little more relevant and a little less taxing on those for whose sake the case is being argued. Be that as it may, he said that whenever there was a debate about Maruti Ltd., we were very touchy.

It is a matter of opinion whether we are touchy or whether the opposition and Shri Mishra are unrestrained, irresponsible. It is very difficult for us to ever agree on that issue. But I may wish to convey one thing to you very clearly. So far as we are concerned, far from there being any motive on our part of protecting private interests at public cost, as alleged by Shyamanandan Babu, we consider that the debates of this nature are taken purely to compound political interests with public deception and for no other purpose. Private political interests with public deception are sought to be compounded and

that is why these debates are raised *ad nauseam*. That is what we think about this matter and we are not touchy about it. We are not shirking a debate either. You can raise the issue hundred times, if you like.

The opposition seems to be very much agitated over the affairs of Maruti Limited. If they fell this is a very important national issue facing the country now, they are entitled to their opinion. We shall meet them point but point when they raise it. But if they consider this such an important issue is it too much to ask them that they appraise themselves of the proper facts, appraise themselves of the correct legal position, bring some objectivity in their approach, bring a dispassionate and unprejudiced thinking in this matter so that this debate is not every time reduced to absolutely personal acrimony, personal pettiness and personal bitterness? It never comes to anything more than that, so far as allegations against us are concerned.

So many investive and adjectives were used by Shri Mishra. Were they really necessary and warranted? They could very well have been avoided.

I must make one thing clear. A reference was made to the Chief of Air Staff. I do not know whether Mishraji knows that the Chief of Air Staff is a person of unimpeachable integrity and unimpeachable honesty a person who has received decorations for his distinguished and meritorious service to the country, one of the finest officers Indian Air Force ever had. I wish that he had not made those disparaging remarks about this officer for making a point which he has never been able to make. I wish to submit that he should have appraised himself properly of the facts in this matter before bringing one of the top-most defence official into disrepute for political polemics. This is a fight between you and us at the political level. Why should you bring in the defence personnel? It is good that Shri Shukla has denied the allegation that he has victimised the official who has supplied this letter. I do not know who gave him this letter. We would certainly have taken up a fight with Shri Shukla if he had victimised any official. But Shri Shukla has denied that allegation totally and completely.

Before I come to the facts, I would like to refer to one more thing. It is being said in the papers in box news that Maruti affairs in India are to Mrs. Gandhi what Watergate have been to Mr. Nixon. One should not indulge in such cheap publicity. Neither they do not know what the Watergate scandal is or they do not know what the facts of this matter are. Anyone who knows the details of Watergate will never equate it with the Maruti affairs.

I submit our case is very simple. I will not confuse the issue. Kindly appreciate the position and look at the problem dispassionately and without prejudice. If you think that the Ministers have been misleading the House to serve a private cause at public expense, then you may be justified in all that you have said. Otherwise, you were completely misleading the House on the basis of your ill-informed information.

Our case is simple, that the 1962 declaration became a dead letter when this particular organisation the ASP-54 was installed some time in 1966. The declaration which was made in 1969, in fact the declaration of 30th December 1968, which was gazetted on 11-1-1969, was a legal nullity and could not be taken to exist on that day and the 1962 declaration was a dead letter. By the time the events came about, the 1969 declaration could not be acted upon; in fact the Central Indian Works of Defence Act, 1903 itself was not applicable to this particular project at the material time. Therefore, the question of misleading, violation of the I. W. D. Act or any order under it will not arise. This is in short my case. I will explain to you. If you try to listen to what I have to say, I have not the slightest doubt that you will understand what I have to say.

The Motion is clear. It says :

"That this House deplores the conduct of Shri C. Subramaniam, Minister of Industrial Development, Shri V. C. Shukla, Minister of State for Defence Production and Shri H. R. Gokhale, Minister of Law, Justice and Company Affairs for misleading the House ... with regard to the violation of the provisions of and orders made under the Indian Works of Defence Act, 1903...."

I suppose, by order, you are referring to the declaration contemplated under Section

3(1) of the relevant Act. There is no question of violation of the Act when the Act itself did not apply at the material time. I am sure he will see that the question of misleading the House will just not arise.

Before I come to the facts and the law, may I draw your kind attention to what exactly the Minister said. I am quoting from the debate in this House on the 22nd December, 1972. This is when Shri Subramaniam was replying to the debate on Maruti. I quote :

"Shri C. Subramaniam: Therefore, if one Chief Minister wanted to ensure that his car project with a potential of 4000 jobs in this and other subsidiary occupations also comes to his State and if a Chief Minister shows interest in attracting this, and that is something which should not be objected to, no doubt, even for this, they should not go out of the way and there should not be any irregularity. If there are any irregularities, if there are any allegations made, I want to give you this assurance that though it has been done for Maruti Ltd., if any irregularities, are alleged and proper documentation given for the purpose we are prepared to go into it even now and see and find out whether any irregularities have been committed even by Maruti Ltd.

Shri Shyamnandan Mishra: What about the defence installations? How are they going to take away from there now?

Shri Vidya Charan Shukla: Nothing is to be taken away. There is no objection from them.

Shri C. Subramaniam: Shri Mishra made a point and somebody also had made a point...."

Let me make it clear that 1962 declaration was a dead letter and the 1969 declaration was a nullity. Therefore, the whole Act was no operative. So far as this particular project, 54 ASP, was concerned, there can be no question of violation of the Act or of any valid order being issued under an Act which is not operative for the purpose of a project. How can therefore a question of violation arise? This is my first point. You first understand this and then I will come to another point.

[Shri N. K. Salve]

There was an ammunition depot which was in existence until 1966. I wish to make it utterly clear that the ammunition depot and the Airforce Storage Park are not only two different concepts but they are two different projects administratively and physically different than each other. I will show you, with reference to the provisions of the Act, that a declaration has got to be made with reference to a work and, unless a declaration is made with reference to a work, the declaration is a nullity in law. Section 7 clearly lays down that limit of restricted zone has to be fixed at 2000 yards from outer crest of Parapet of the work. The ammunition depot did not exist beyond 1966 and the ammunition depot came to an end. The Airforce Storage Park came into existence sometime in 1966. They were two different projects, two different complexes, not merely administratively but physically as well. Within the postulates of Section 3(1) of the relevant Act, they were two different works. If they were two different works, then one has to see whether or not there was a valid declaration as contemplated under Section 3(1) to govern and to create a restricted zone in relation to the said works.

15.00 hrs.

[SHRI S. A. KADER in the Chair]

SHRI SHYAMNANDAN MISHRA : May I seek one elucidation? Do you mean to suggest that the air force installation there was completely unprotected so far as the 1962 declaration was concerned? That only related to the army part of it? Do you mean to suggest that?

SHRI N. K. P. SALVE : The restricted zone was created with reference to a work, a particular project, a particular complex. Now that particular complex and the ASP are entirely different complexes, entirely different projects. Whatever was included in the first may have or may not have been included in the second. For purposes of (2), if it constitutes an entirely separate work, the law requires a declaration to be made and a declaration to be published in the Gazette and a public notice given in addition. (*Interruptions*). I submit that the formulation of the law that I am making here is very clear. A perusal of that section will convince you. I am sure that on this point

there can be no debate. It is quite clear that in the declaration of 1962 the restricted zone was prescribed at 1000 yds. from the outer crest of the parapet.....

SHRI SHYAMNANDAN MISHRA : Parapet of the ammunition depot.

SHRI N. K. P. SALVE : Whatever it was. The requirement of the section is that the restricted zone has to be clearly demarcated, and shown in the map, chart, etc., of which public notice has to be given, and in that it has to have a particular reference from the outer crest of the parapet. It was in compliance with the statutory requirement that such restricted zone was created by a limit of 1,000 yds. from the outer crest of the parapet concerned. Provisions of section 3(1) speak as to what is the authority, what is the power, for creating a restricted zone. With your permission, Sir, I would refer to section 3 of the Indian Works of Defence Act, 1903. If my hon. friends read section 3(1), they will have no doubt left in their minds. It is capable of only one interpretation. Section 3(1) reads :

"Whenever it appears to the Central Government that it is necessary to impose restrictions upon the use and enjoyment of land in the vicinity of any work of Defence or any site intended to be used or to be acquired for any such work, in order that such land may be kept free from buildings and other obstructions, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorised to certify its order."

Kindly juxtapose, correlate and examine critically whether or not this declaration has to be with reference to a particular work, a particular project.

Section 7 provides :

"From and after the publication of the notice mentioned in section 3, sub-section (ii), such of the following restrictions as the Central Government may in its discretion declare therein shall attach with reference to such land, namely, within an outer boundary which, except so far as is otherwise provided in section 39, sub-section (iv), may extended to a distance of 2,000 yards, from the crest of the outer parapet of the work."

Does Mr. Mishra say that this 2,000 yards limit is the same for ASP and ammunition depot? If that is so, then his proposition falls purely by what is so clearly contemplated. And the limit referred to here is 2,000 yards. I do not know how that officer has referred to 33,500 yards unless this law has been amended because my copy is an old copy.

SHRI SHYAMNANDAN MISHRA : It is in that circular letter of 1956.

SHRI N. K. P. SALVE : I am coming to 1956.

He has referred to 3500 yards. As you know they cannot go beyond 2000 yards. The point that I am trying to make out is that unless this 2000 yards restriction goes which is the same for the purpose of new installation that was coming up, it cannot be said that in 1962 it is ever covered. Also it is nobody's case that the restriction goes and it is exactly the same limit as it was in the case of the ammunition depot. Therefore, when you have yourself conceded that the 1969 publication was a nullity....

SHRI SHYAMNANDAN MISHRA : I have not conceded I have said, 'Assuming for argument's sake....' In fact, I have said....

SHRI N. K. P. SALVE : Your argument is that once it is published in the gazette, that constitutes public notice.

SHRI SHYAMNANDAN MISHRA : Accompanied by a sketch map.

SHRI N. K. P. SALVE : Therefore, it constitutes a public notice. I shall show you the provisions of Section 3(2) which stipulates two pre-conditions. They are the *sine quanon*, they are the pre-conditions without complying which you can never have a valid declaration made. I will come to the two pre-conditions straightaway.

Therefore, if that be correct—assuming what Mr. Mishraji has said is correct—that under certain circumstances gazetting the notification may constitute a public notice, but gazetting and public notice are both contemplated. Then both have got to be complied with. Now, what constitutes 'public notice' is a matter of opinion.

Sub-section 2 in terms states that the said declaration....

MR. CHAIRMAN : You have already taken 15 minutes. Please conclude.

SHRI N. K. P. SALVE : I have read out section 3(1) which refers to a declaration being made with reference to a particular work where in the vicinity they do not want any obstruction, etc. to come about. Now, sub-section (2) speaks of conditions which must be fulfilled before such a valid declaration can be made and sub-section (2) says :

"The said declaration shall be published in the official gazette and shall state the district or other territorial divisions in which the land is situated and the place where the sketch plan of the land shall be prepared on a scale not smaller than 6" to a mile and shall distinguish the boundaries referred to in Section 7...."

Section 7 is the 2000 yards restriction.

"...may be inspected."

The second limb of the section is :

"And the Collector shall cause public notice or substance of the said declaration to be given."

SHRI SHYAMNANDAN MISHRA : The word 'may' is not there.

SHRI N. K. P. SALVE : 'May' always means 'must'. But let us not get into that argument. It is in terms said that, 'The Collector shall cause public notice...'

SHRI JYOTIRMOY BOSU : It is very important.

SHRI N. K. P. SALVE : The first thing is that even on a mere reading of the section, however ignorant one may be of the law—but if he has sufficient common-sense—it should be clear to him that the requirements are two-fold. The first requirement is the gazetting of the declaration and the second requirement is a public notice. Whether this is a sufficient public notice or is not a sufficient public notice is not what he is disputing. He said that once you have done the gazetting, that is the end of the matter. I submit it is not at all the correct position of the law.

SHRI SHYAMNANDAN MISHRA : You are only quibbling for protecting a particular individual. Otherwise, that will have to be done. 'Shall' is there. How do you say that it was not done?

SHRI N. K. P. SALVE: Half of the legal propositions that he has formulated, I have never understood and what he is saying now is completely going over my head. I am talking with reference to two sections. I am talking with reference to the language of the law. Did he say or did he not say that if we go by the 1969 declaration we have repealed the earlier declaration? Where is the question of repeal? Does it not become a dead letter by the postulate of Section 3(1) itself? With reference to a particular section you are fixing a restriction zone and then the work itself is removed away ... (*Inter-uptions*). How is it possible?

SHRI SHYAMNANDAN MISHRA: It goes automatically? Where is that provision?

SHRI N. K. P. SALVE: It becomes a dead letter. That again is a concept in law. The declaration may remain physically. It is not erased.

It is not repealed in terms. But that has absolutely no meaning. It becomes utterly, I would only say, a dead letter. We are so much used to that term. For, it is neither here nor there in that what had been done no longer exists. So, the mere physical existence of that order does not mean one way or the other. Even if it is not repealed, even if it is not said that that letter is no longer operative, by virtue of the provisions of the very sections under which that particular declaration was made, inherently it would make that particular order utterly a dead letter, once the particular works with reference to which the declaration were made are no longer in existence. That is clear. If my hon. friend does not accept this position of law, it is a matter of opinion.

With reference to this, is there any doubt that the entire Indian Defence of Works Act itself did not apply so far as 54 ASP was concerned? That is the clear position of law. Anyone who is possessed of objectivity, anyone who has an open mind and anyone who just does not put blinkers on his eyes, will accept this proposition of law.

Thereafter, what is the matter? What did Shri Vidya Charan Shukla say? Shri Vidya Charan Shukla merely said that

there was no objection. What objection could be there? Can there be a valid objection at all firstly? If there is not a valid objection at all, then what remains? It has been admitted and it has been conceded, and his entire argument has proceeded upon the assumption that a valid objection is tenable. If the Act itself is not applicable, how can an objection be raised? Will he draw it from the heavens? Wherefrom will he take the objection? The right to raise an objection is given in the law itself. If the law itself is not applicable, how will an objection be ever tenable?

The hon. Member is referring to a particular letter of the supposedly commanding officer. I am told that that man was not the commanding officer. The facts are being distorted so far as the authority of that man is concerned. I shall leave it to Shri Vidya Charan Shukla to deal with this aspect of the matter. It is a secret document. I have not looked into it. We are not in the habit of dealing in those matters. Whatever facts I may have gathered, I have not looked into that letter. But I am told that that supposed commanding officer was never commanding the matter. And what did my hon. friend read? He referred to a particular letter of 1956. And what was that letter? I understand that in 1956 the Central Government was contemplating to legislate some measures to take care of the entire matters which were covered by this particular Act, and a comprehensive law was supposed to be made: they had some ideas in their minds and in that connection they had written to the various Chief Ministers and they had said that in the meanwhile, while this law was proposed to be taken up at the Central level, whenever any difficulty arose which caused obstruction to the defence projects or other projects of vital importance, the local officers and the State Government should mutually resolve the dispute. This law which the Government was contemplating in 1956 had never come and has never seen the light of the day. Our case will fall by this or his case will fall by this whether that law came or not. If what I am saying is correct, I succeed; and my hon. friend must apologise.

So far as the letter is concerned, my proposition is clear. The 1956 letter merely refers to a particular law that was then being intended to be legislated here at the Central level, which legislation has never seen the light of the day. In that connection, the Central Government had written to the various State Chief Ministers that in the meanwhile, while this comprehensive legislation was being taken up so as to cover the entire gamut of this particular Bill plus something more....

SHRI JYOTIRMOY BOSU : A mountain out of a mole-hill.

SHRI N. K. P. SALVE : Am I making a mountain out of a mole-hill? Or are my hon. friends on the other side in the habit of making a Himalayas out of nothing? I am explaining my proposition. I am told that the whole village of Gurgaon I am not referring to the town of Gurgaon—would have been covered by this, by itself. This being the position, if this is the position of facts and this is the position of law, one can only laugh at the resolution which has been brought forward; one only see how utterly ill-advised the whole matter has been, and I submit that the entire motion is thoroughly ill-conceived as a result of half-baked notions of law and ill-digested understanding of facts. If it is not so, it is a very unfortunate and obnoxious attempt at character assassination of the concerned Ministers in a bid to create a very cheap sensation and publicity. I submit there is no merit in the Motion whatsoever. This is only a cheap attempt at character assassination of the Ministers and, therefore, I submit the motion be rejected lock, stock and barrel.

MR. CHAIRMAN : When should the Minister be called?

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH) : At 5 O'clock. (Interruptions)

एक माननीय सदस्य : टाइम बढ़ा दिया जायें।

सभापति महोदय : मिनिस्टर आफ पार्लियामेन्टरी एफेयर्स कह रहे हैं कि मिनिस्टर साहब को जवाब देने के लिए 5 बजे बुलाया जाये। इस का मतलब है कि डिस्कशन के लिए पाँचे दो घण्टे का टाइम

और है। मैं समझता हूँ कि यह बहुत ही इम्पोर्टेंट डिस्कशन है और कई माननीय सदस्य इस में हिस्सा लेना चाहते हैं। इस ने 5-30 बजे हाफ-आवर डिस्कशन लेना है।

I would like to take the sense of the House. Shri K. Raghu Ramaiah: We began at 1 p.m. I believe Shri Shyamnandan Mishra has to reply also. The Minister has to reply. Shri Subramaniam may intervene for a short while. Considering all these things, I request that the Minister be called at 5 p.m. That still leaves nearly two hours.

MR. CHAIRMAN : Even then considering the length of the list I have got, some more time will be taken and can be given. Shall we call the Minister at 5.30 P.M.? We can keep a little margin.

SHRI K. RAGHU RAMAIAH : 5 O'clock.

MR. CHAIRMAN : Four hours have been fixed by the Speaker. The Minister will be called at 5.30 P.M. That will be extending it by half an hour.

SHRI JYOTIRMOY BOSU : What about postponing the half hour discussion till the next session? You can give a ruling on that. The Minister says it is all right.

MR. CHAIRMAN : I cannot give a ruling on that. At 5.30 P.M. the Minister will be called.

SHRI JYOTIRMOY BOSU : If this goes on till 6.30 P.M. we cannot have the half hour discussion after that.

MR. CHAIRMAN : The Minister will be called at 5.30 P.M. In between, I have got a list of members of the Opposition as well as of the other side.

श्री मधु लिमये : उस तरफ के सदस्यों को बोलने का क्या जरूरत है? उन की तरफ से मिनिस्टर बोलेंगे।

सभापति महोदय : मेरे सामने अलग अलग पार्टियों के लिए जो टाइम रखा गया है, वह 7, 8 या 9 मिनट है। उस में कुछ एडजस्टमेंट हो सकता है, लेकिन ज्यादा नहीं।

श्री रामावतार शास्त्री (पटना) : इन् पार्टियों को पूरा टाइम मिलना चाहिए।

समाप्ति नहीं हो : हर पार्टी के लिए टाइम लिखा हुआ है। किसी के लिए 7 मिनट है, किसी के लिए 8 या 9 मिनट है। मैं चाहता हूँ कि उस में कुछ थोड़ा बहुत एडजस्टमेंट कर दिया जायें इस लिए माननीय सदस्य मेहरबानी कर के चेयर के साथ को-ऑपरेट करें और ब्रीफ, टु दि पायन्ट बात कहें।

SHRI JYOTIRMOY BOSU : At the very outset, I must assure the House that I bear no malice, no vindictiveness, against anybody, let alone this young man. At the same time, I cannot lose sight of the fact that as a people's representative, I am entrusted to look after the welfare of the people and the country. We are not entitled nor authorised to condone malpractices which have taken place in matters of importance. We must examine the defence interests, the country's security, the installation of radar and other equipment which are so vital for the defence of Greater Delhi. If that is upset, disturbed and overlooked to serve the interests primarily of one person because he happens to be the Prime Minister's son, it is wrong, and particularly so when the people, living there for generations, are not even allowed to dig a well. I have got here a copy of the circular that was given to a man. He was digging a well; not digging something on the surface, not going vertically upwards but was going downwards, but even then, he was prevented by a letter saying that you cannot dig a well because the area is covered by a defence prohibitory order. Another man who was raising a boundary wall not higher than six feet was also prevented in a similar manner. Here we see a violation of the notification which is really violating the specific and mandatory provisions under the Indian Works of Defence Act completely by passing the notification No. 315 dated 15-12-1962 which was never cancelled. I repeat it was never cancelled. And still, it is valid. I can understand private individuals coming with a plea of lapses and making a presentation of their case but the Government is shamelessly coming forward before this House with a pretext of

lapses and thereby taking shelter on that and thereby endangering the defence obligations. It is indeed very significant which we cannot ignore.

The propriety in giving the land is also another point, because it was a defence requirement. It is in a way under severe defence obligations: acquisition, and not listening to the objections raised in writing by the peasants pointing out and putting a finger in the eye of the Government and the authority there. It is obligatory for the Prime Minister and the Government to get a clean chit from this House, that is, from the country, for which a thorough probe is absolutely a must in this case. Otherwise, the big credibility gap will widen and make things worse for them.

Consider the car project. The national interest, the initial idea of a joint public sector, loss of export opportunities for the country, utilisation of rare resources in non-priority sectors, utilisation of defence production and built-in capacity which are lying idle and also the public sector—the whole thing has been bungled.

As I have said, the 1962 order is still valid for the original area, but here, I have got what Mr. Jagjivan Ram has said in reply to my letter. I have it to the House to accept or reject it on its merits, because Mr. Mishra has set the whole thing very widely and cleverly. The letter says, among other things, that :

"The Ministry of Defence wrote to the Government of Haryana which has in turn stated the position, as it obtains in its records and has put forward certain suggestions. These are under examination of the Ministry and a decision will be taken in consultation with the Government of Haryana. I can only say that the defence requirements will be fully kept in view."

The previous sentence starts by saying "Raksha Utpadan Mantri has already dealt with this letter and the notification" etc. This is about the Air Force Commanding Officer's letter and action taken thereon. That was the subject-matter of the letter.

I want to ask the hon. Defence Minister, Mr. Jagjivan Ram, or his junior colleague, Mr. Vidya Charan Shukla, as to what is the outcome, what is the final thing after he

has written the letter. We want the House to be informed about it. He says that "The Army Ammunition Depot was disbanded and shifted to a new place in March-April, 1966. The premises vacated by the Army Depot were later taken over by the Air Force. A part of the area was however demarcated for derequisitioning and was subsequently derequisitioned. The remaining area is still in the use of the Air Force for its present unit, viz. 54 Air Storage Park. It was in regard to this unit that the Notification of 11th January 1969 was issued."

I do not wish to say anything more. To my friends there, I say: take a pinch of salt in your hand and swallow it and read read that letter; it will be much better. Then he writes about another letter which I am not going to read now.

Shri Shyamnandan Mishra has already said that I wanted to discuss it in the Consultative Committee. What was the agenda? "Objections lodged by the Commanding Officer, Air Force Unit located near Maruti Premises in Gurgaon Distt. against the erection of factories, sheds, etc. within 3500 yards of the perimeter of the runway at Gurgaon; (b) within 3500 yards of the perimeter of the explosive depot, Gurgaon." Defence includes the Army, Navy and the Air Force and I had hoped that they would not take shelter under that umbrella. I do not want to say more on that.

There are very learned Members here and they will remember what happened to the well-known Prime Minister of the United Kingdom, David Lloyd George. He bought shares for a mere £ 1,000 in Marconi company in the United States of America and the British Government had placed an order for the purchase of certain equipment from Marconi Ltd. and this matter was raised in the House of Commons and a probe was ordered. Although the outcome was not very encouraging, a probe was ordered. I fail to understand why my hon. friends on that side are so jittery about this debate if they have a clean conscience and if they have no skeletons in the cupboard; they should in fact come forward for a probe and get a clean chit which will really enhance

their image before the people of the country. But I see them doing something quite the opposite.

I see that the Prime Minister had asked for a probe herself; here is a paper clipping from the Indian Express which says: the Prime Minister today offered to face a public enquiry on what has been described as the Maruti Affair... Let her have it; she should have it now unless she has some skeletons in the cupboard. I am charging this Government that they have misused their office to the fullest advantage of a particular individual. This is a clear case and if this does not deserve a probe, nothing will ever receive attention in this country. This is nothing but a compendium of violations.

Prof. H. N. Mukerjee spoke in the so-called socialist forum of the Congress Party and he had talked something about Maruti; it came out in the papers: it appears that never again was Prof. Mukerjee to be called into their meeting. But the Socialist Forum also had been disbanded and so we see Mr. Sharma as the Deputy Leader of the House belonging to the Nehru Forum. The House has to take a full view of the whole thing.

It is impossible to get straight information. I put a question on 14 December 1972.

MR. CHAIRMAN: Your time is up; please conclude in 3-4 minutes.

SHRI JYOTIRMOY BOSU: I represent the principal Opposition party here; if you could give someone one hour and 15 minutes, at least give me half an hour or else I sit down.

MR. CHAIRMAN: I do not want interrupt you. The time allotted to you is minutes; already ten minutes have passed and you can take three or four minutes more.

SHRI JYOTIRMOY BOSU: You know that is not the motion which stood in my name originally. I had made arrangement within the Opposition. And I am glad to say that there is a working arrangement. The House must take a full view of the whole thing, and the Government's attitude could be seen in this House here and even through the documents. Whenever we put a question about Maruti the Minister gets

[Shri Jyotirmoy Bosu]

a high fever. For example a question was asked about the allotment of steel to M/s. Maruti Ltd. The reply given is that the information is being collected and will be laid on the table of the House. The question was asked on 14th December, 1972 which was again repeated on the 8th March, 1973. The same reply was given namely, that details regarding the quantities of steel asked for by the firm and supplies from different sources are being collected and will be laid on the table of the House. I wanted to know the loans sanctioned by the nationalised banks to Maruti Limited. To this Shri Chavan takes the plea that bank matters cannot be divulged. But I have a reply from the Government that they cannot divulge it. But, they have given this information to a private individual and not here. They are only taking shelter under this plea because they have a lot to hide.

I want to ask this question of Shri C. Subramanian. Is it a fact that the young man has got out of Maruti and he has got only a contractual obligation as a consultant after receiving a handsome amount? I do not know. But I have heard about this. You will kindly deny or accept this. Then Shri Salve talked a lot. I want to quote Shri Subramanian's speech of 22nd December here. Not only defence units have been hoodwinked but 1500 persons have been uprooted—they have been hoodwinked and Shri Subramanian never bothered to send a reply to my letter. I made a detailed list of my questions. Shri Subramanian said many things. But, I may tell him that he talked about the people going to the court of law for getting justice. Now, the people cannot get justice against rich individual in the country. How can a judge give judgment against the Government and the Prime Minister's son? Even the Supreme Court judges could not get a fair deal at the hands of Government.

About the price of land Shri Subramanian said something. Six photostat copies are produced to show that the land was valued at Rs. 9000 for 60,000 acres of land. How can anybody take 6,000 acres of land for Rs. 9000/-? These poor peasants were deprived of their lands worth lakhs for this one individual. Giving 15 days' notice is mandatory under Section 9

of the Land Acquisition Act. After actual receipt of the notices, you have deceived these poor and innocent peasants.

SHRI C. SUBRAMANIAM : How is it valid?

SHRI JYOTIRMOY BOSU : I am coming to that. After receiving this it was referred to various departments for comments. I want to ask the Minister whether this claim at all was put up to the various departments of the Government or not. If so, when was that sent? I know that this was never sent to different departments. The notice is dated 24th June, 1973 about the land wherein the defence interests are involved.

MR. CHAIRMAN : Mr. Bosu, you will now come to the point.

SHRI JYOTIRMOY BOSU : I am talking about the defence land.

MR. CHAIRMAN : I would request you to please come to the subject proper.

SHRI JYOTIRMOY BOSU : Yes, Sir. Notices concerning land where defence interest was greatly involved were typed off written on 24th June 1971. After that, that was served in 4 villages on about 300 persons about 10 miles away from headquarters. Normally for a Government department it takes weeks. But it was made returnable on the 14th day i.e. on 10th July. But instead of beginning the hearing the award was finalised on the 15th day. When were the departmental enquiries held? The peasants filed appeals for higher compensation. They pointed out the defence prohibitory orders that you cannot acquire the land and erect something. They filed appeals in the court of Mr. Jain, the District Judge. It is going to be almost two years. The factory is completed; the car has been displayed and agency deposits to the tune of Rs. 1½ crores have been taken. But for the claim cases not even the issues have been framed. I want to ask: Is it correct that Mr. Jain's son has been given a job as Assistant Legal Secretary in Maruti Ltd.? Is it a fact that Mr. Jain has been recommended for High Court Judgeship?

MR. CHAIRMAN : Please confine yourself to the resolution.

SHRI JYOTIRMOY BOSU : All I want to say is, these 1500 uprooted persons have given representations in writing pointing out the defence prohibitory orders and they have filed appeals for higher compensation before the District Judge who is recommended to be a High Court Judge as a reward. That is why I am saying all this. Otherwise, why should I? Mr. Subramaniam is repeating His Master's Voice and he takes the shape of the vessel in which he is contained. That is his political career for the last 15 years, we know.

In conclusion, I appeal to Mrs. Gandhi and her Government. If they have no skeleton in the cupboard, if they think that everything is clean with them—which we do not think; we think it is an absolute conglomeration of malpractices and corruption—they should agree to a parliamentary probe and obtain a clean chit, if they deserve it. Otherwise, they stand condemned and they should get out of this Government.

SHRI VIKRAM MAHAJAN (Kangra) : Sir, never in the history of Parliament has a more frivolous motion been brought than the present one. This is one of the most frivolous motions which I have ever come across in Parliament.

SHRI ATAL BIHARI VAJPAYEE : He is casting an aspersion on the Speaker who has admitted the motion.

SHRI VIKRAM MAHAJAN : Some opposition parties who have failed in their policies and programmes are playing the politics of frustration. They are trying to project themselves in the public eye by playing politics of character assassination.

I say that the opposition parties have failed in their policies and programmes. Therefore, they have taken to politics of character assassination. They are unable to convince the people of India about the genuineness of their programmes. So, they have now come to cheap political gimmicks and this is an attempt in that direction.

After all Shri Jyotirmoy Basu was trying to make out a case on an entirely different matter, which is not before the House for discussion. The motion before the House is the statements by the three Ministers. He referred to things like steel and bank loans. May I ask him whether we can build a

motor car with paper? A motor car will need steel. Then, can you run a single industrial plant without a bank loan? What is wrong if a particular entrepreneur asks for a bank loan? If Shri Jyotirmoy Basu has any knowledge of economics, he should know that every industry in this country is run with bank loans and there is nothing wrong in it. If the person happens to be the son of a person in authority, it will not make any difference to the position.

The main point is whether the notification was there or not. When Shri Shukla made the statement he was specific that there is no violation of any statute or any notification. That is the crux of the whole thing. As Shri Salve pointed out earlier, the notification which was issued became inoperative because the purpose for which it was issued was no longer there. Therefore the notification no longer remained. It was a specific notification for a particular purpose. The purpose in 1962 was the Army Ammunition Depot. In 1965-66 that depot was taken away. Therefore, the purpose for which the notification was issued ceased to exist and so the notification became a dead letter. When the 1962 notification died out, the question remains what is the value of the 1969 notification. As has been repeatedly pointed out by Shri Salve the 1969 notification was invalid because it did not comply with the statutory provisions. If a particular declaration does not comply with the statutory provisions it is invalid no matter whether it comes to the notice of the Government earlier or later. It is nullity from the beginning, what is called nullity *ab initio*, a still-born notification. Since the 1969 notification was void *ab initio*, it never existed, no matter when it came to the notice of the Government. Since neither the 1962 notification nor the 1969 notification was there, there was no violation of any rule of any notification or statute by the government.

A peculiar argument has been brought in on the basis of the 1971 letter of the Army Commander. That refers to a circular of 1956. The officer was not aware of this particular fact that this circular was based on a contemplated statute; that is, it was contemplated in 1956 that a new statute would be brought into existence by virtue of which restriction would be imposed on

[Shri Vikram Mahajan]

various building structures which private persons can built around the defence installations. That particular contemplated statute was never brought on the statute book. Therefore, the Commander in ignorance wrote that letter. The Opposition is trying to take advantage of the ignorance of the Commander.

Mr. Mishra earlier tried to say that this particular letter related to the notifications of 1962 and 1969. That is why we specifically raised the issue and asked him to read out that letter and show us, whether that letter referred to those notifications of not. When Mr. Mishra read out that letter, it was clear that, that letter never referred to those notifications. It only referred to 1956 circular. That circular is not a valid circular in the sense that it was merely a proposal which the Government was thinking and which was never fructified and which never came into existence. Therefore, the letter by itself means nothing. The letter was written by the Commander in ignorance of the law and the notification. Surely, on the basis of the ignorance of a Commander, you cannot build a case against the Government or the Ministers and you cannot move a privilege motion against them. This is a frivolous motion. It is meaningless. It is a politically-motivated motion and it has to be rejected on that ground.

I want to point out one more fact. 1971 letter specifically states that an area of 3500 yards has to be left out before any private building can be built. Mr. Salve read out Section 7 itself wherein an area of 2000 yards is referred to. The statute clearly says that it is only 2000 yards. From where has this gentleman, this Commander got the idea of 3500 yards? That shows he was under some misapprehension and he wrote that letter under that misapprehension because neither the 1956 circular nor the statute itself which is 1903 statute state, anywhere that you have to build a private structure beyond 3500 yards. Therefore, he was under two basic misapprehensions. That is how he wrote that letter.

Therefore, I submit, the whole case of the Opposition is based on some misapprehension. I am sure, they have the complete knowledge that they have no case in this. But they are trying to use it for a

political purpose with a political motivation. I humbly submit that no case has been made out against the Ministers. They are deliberately, consistently and persistently trying to drag in somehow or other the name of the Prime Minister. I think, from the highest standard of public conduct and public morality, there is no deviation from that standard. The whole object is a frivolous one.

Apart from that I think, this a cheap propaganda stunt which is being carried out. The people cannot be befooled by their cheap political gimmicks. The small minds have tried to malign us many times their cheap political gimmicks. The small thrown out lock, stock and barrel.

श्री अटल बिहारी वाजपेयी (स्वागियर):
सभापति जी, सारे विवाद को मैं ने बड़े ध्यान से सुना है। मैं मिश्र जी को बड़ाई देना चाहता हूँ कि उन्होंने अपने पक्ष को सम्प्रमाण और प्रभावशाली ढंग से प्रस्तुत करने में सफलता पायी है। उनके तर्कों और तर्क के उत्तर में हमारे कांग्रेसी मित्रों द्वारा जो कुछ कहा जा रहा है वह कानूनी दांवपेच की बात है। हो सकता है कि जिन्हें अदास्त में बोलने का मौका न मिलता हो वह अपनी कानूनी विरुद्धता का प्रदर्शन इसी सदन में करें।

प्रश्न संकीर्ण कानूनी दृष्टि से देखने का नहीं है। सभापति जी, क्या इस बात से इन्कार किया जा सकता है कि जब मारुति लिमिटेड के लिए वहां कारखाना बनाने की इजाजत दी गई तो वहाँ एक ऐम्प्लिफिकेशन डियो था। क्या इस बात से इन्कार किया जा सकता है कि उस ऐम्प्लिफिकेशन डियो के आसपास कोई इमारत न बने यह प्रतिबन्ध उस समय लागू था? क्या इस बात से इन्कार किया जा सकता है कि उस प्रतिबन्ध पर केवल इसलिए जमल नहीं किया गया और उसे दर बुझ कर दिया गया, दृष्टि से बोलना कर लिये गया कि वहाँ मारुति लिमिटेड का कारखाना बनाने वाला था और उसको बनाने वाले कौन हैं यह बताने की आवश्यकता

नहीं है। इसीलिए वह प्रतिबन्ध जो प्रभाषी होने चाहिए थे वह प्रभाषी नहीं हुए। काफ़ी बहस की गयी है कि 1969 के नोटिफ़िकेशन में कुछ कमियाँ थीं। मैं पूछना चाहता हूँ कि उन कमियों के लिए कौन जिम्मेदार है? सरकारी अधिकारी जिम्मेदार हैं? लेकिन सरकारी अधिकारियों की किसी टेकनीकल गलती के कारण क्या तथ्य को आँखों से ओझल किया जा सकता है कि जहाँ ऐम्बुनिशन डिपो है वहाँ सुरक्षात्मक कारणों से कोई कारखाना नहीं बनना चाहिए। किसी अफ़सर की कोई टेकनीकल गलती निकाल कर आज सारे मामले पर लीपापोती करने की कोशिश हो रही है।

सभापति जी, वह नोटिफ़िकेशन ठीक था या नहीं था, केवल गज़ट में प्रकाशित होना काफ़ी था या नहीं था...

श्री नरेन्द्र कुमार साल्वे : मिनिस्टर्स ने मिसलीड किया कि नहीं यह सवाल है।

श्री अटल बिहारी वाजपेयी : मैं उम्मीद करता हूँ।

सभापति जी, मन्त्री महोदय ने यह कहा कि सुरक्षा की दृष्टि से कोई आपत्ति नहीं की गई। अब जब कमान्डर का पत्र पढ़ कर मुनाया गया तो कहा जा रहा है कि वह कमान्डर कुछ मिसएप्रिहेंशंस में था। सवाल यह है कि कमान्डर ने आपत्ति की या नहीं? और वह पत्र कहता है कि आपत्ति की गई। वह पत्र लिखा गया, पत्र के अस्तित्व से आप इन्कार नहीं कर सकते। वह पत्र ठीक था या नहीं था यह बात अलग है, उस कमान्डर के मन में आशंकाएँ सही थीं या गलत थीं, यह बात अलग है। लेकिन आप पत्र के अस्तित्व से इन्कार नहीं कर सकते। और यही बात उस दिन डिबेट में कही गयी थी कि सुरक्षा की दृष्टि से एतराज किया गया या नहीं? मन्त्री महोदय ने कहा कोई एतराज नहीं किया गया। क्या उन्हें माफ़ूम था कि कमान्डर ने पत्र लिखा है? अगर लिखा है तो वह आपत्ति नहीं है?

Shri A. K. M. ISHAQUE (Basirhat) :
The letter must be an authorised letter.

श्री अटल बिहारी वाजपेयी : Authorised whom ?

बड़ी विचित्र बात कही जा रही है कि जो कमान्डर-इन-चार्ज है वहाँ का वह पत्र लिखा है वह अपोराइज्ड लैटर नहीं है, वह अनधिकृत लैटर है। मन्त्री महोदय कह सकते थे कि उस लैटर के बारे में उन्हें जानकारी नहीं थी, इस के लिए वह खेद प्रकट कर सकते थे।

MR. CHAIRMAN : Only if he yields...
He is not yielding.

श्री अटल बिहारी वाजपेयी : सभापति जी, आप मेरे समय में से न काटें तो मैं बैठने के लिए तैयार हूँ। मगर आप घन्टी बजा देंगे।

सभापति महोदय : अभी तक तो घन्टी बजायी नहीं।

श्री अटल बिहारी वाजपेयी : सभापति महोदय, मंत्री महोदय के लिये एक सम्मानजनक रास्ता यह था कि वह सदन के सामने आ कर कह सकते थे कि जब उन्होंने इनकार किया तब पता नहीं था उन्हें कि इस तरह का पत्र लिखा गया। मगर उन्होंने न केवल स्वयं सदन को गुमराह किया, उन्होंने ने श्री सुब्रह्मण्यम को भी गुमराह कर दिया। श्री सुब्रह्मण्यम ने कहा कि मैं जो कुछ कह रहा हूँ वह डिफ़ेंस प्रोडक्शन के मन्त्री के आधार पर कह रहा हूँ लेकिन मैं मन्त्रीमंडल का सदस्य हूँ इसलिए मैं बड़ी जिम्मेदारी के साथ कह रहा हूँ, अधिक जिम्मेदारी के साथ कह रहा हूँ। अभी तक इस बात का खंडन नहीं किया गया है, और खंडन किया भी नहीं था जा सकता। मन्त्री महोदय उस पत्र के अस्तित्व से इन्कार नहीं कर सकते। इसीलिए मेरा निवेदन है कि कानूनी दांवपेंच निकाले जा रहे हैं कि वह नोटिफ़िकेशन बैलिड था या नहीं था। यह मामले अदालत में तब होंगे। पार्लियामेंट को औचित्य का प्रश्न देखा है।

[श्री अटल बिहारी वाजपेयी] क्या आप उस औचित्य से इन्कार कर सकते हैं कि जहाँ डिफेंस इन्स्टालेशन है और जिसके बारे में पहले नोटिफिकेशन जारी किया गया था आज भी वहाँ डिपो बना हुआ है। उस डिपो के आसपास कोई इमारत नहीं होनी चाहिए। इस नियम का पालन क्यों नहीं किया गया? किसी अफसर की छोटी सी गलती के कारण वह नियम अब प्रयोग में नहीं आयेगे, उन नियमों की साक्ष्यकता खत्म हो गयी। यह किसी के गले से नीचे नहीं उतरेंगा। देश के गले के नीचे भी यह बात कभी नहीं उतर सकती।

सभापति जी, हाँ मैं चाहता हूँ कि आप जरा इस मारुति के मामले पर एक रेफरेंडम कर लीजिए कि देश की जनता क्या कहती है। इस मारुति ने प्रधान मन्त्री की प्रतिमा को धूमिल कर दिया है। ऐसा कलंक जगा दिया है जो गंगा जल भी नहीं धो सकता। और आज प्रधान मन्त्री अपने डिफेंस पर आ गयी हैं, जिस जनसभा में उन्हें बाना पड़ता है यह सफ़ाई देनी पड़ती है कि बेटे को मोटर बनाने का लाइसेंस दे कर उन्होंने कोई पक्षपात नहीं किया। मैं प्रधान मन्त्री को इस स्थिति में आते हुए नहीं देखना चाहता था। मगर आज वह आ गयी है, और कहती हैं कि मेरा बेटा परिश्रमी है तो बेटा क्यों न तरक्की करे। बेटे तो और भी करोड़ों माताओं के परिश्रमी हैं, मगर वह बेटे मोटर बनाने का कारखाना नहीं खोल सकते क्यों कि उन्हें किसी प्रधान मन्त्री की कोख से जन्म लेने का सौभाग्य प्राप्त नहीं है।

केवल प्रधान मन्त्री का पुत्र है इसलिए मोटर बनाने का कारखाना खोल सकता है। मेरा निवेदन है कि प्रश्न औचित्य का है। प्रश्न प्रशासन की प्रामाणिकता का है, आचारण का मानदंड रखने का है।

सभापति महोदय, मैं एक बात और कहना चाहता हूँ। मैं जानना चाहता हूँ कि क्या यह

सच नहीं है कि मारुति में काम करने वाले कुछ लोगों को हिन्दुस्तान ऐरोनाटिक्स लिमिटेड में शिक्षण दिया गया?

16.00 hrs.

रक्षा मन्त्रालय (रक्षा उत्पादन) के राज्य मन्त्री (श्री विद्या चरण शर्मा) : बिल्कुल गलत बात है।

श्री अटल बिहारी वाजपेयी : सभापति महोदय, अगर कोई पार्लियामेन्टी कमेटी बने तो मैं इसके सबूत में प्रमाण देने के लिए तैयार हूँ।

रेल मन्त्री (श्री एस० एन० मिश्र) : कन्ट्रेडिक्शन इश्यू हुआ है।

श्री अटल बिहारी वाजपेयी : कन्ट्रेडिक्शन तो हर बात का होता है। कन्ट्रेडिक्शन तो आप ने इस बात का भी कर दिया। इसीलिए हमारी मांग है कि एक पार्लियामेन्टी कमेटी बननी चाहिए। पार्लियामेन्टी कमेटी तथ्यों में जा सकती है। पार्लियामेन्टी कमेटी दूध का दूध और पानी का पानी कर सकती है।

श्री एम० रामगोपाल रेड्डी (निजामाबाद) : सदन में कोई मेम्बर कोई ऐनीगेशन किसी मिनिस्टर पर करे और मिनिस्टर उत्तर दे दे तो यह मामला उस के बाद खत्म हो सकता है।

श्री अटल बिहारी वाजपेयी : खत्म नहीं होता है।

सभापति जी, वाटरगेट की मारुति से तुलना की कोशिश की गई। कम से कम वाटरगेट के मामले में श्री निक्सन ने मान लिया है कि उसकी गलती हुई थी लेकिन मारुति के मामले में कोई अपनी गलती मानने के लिए तैयार नहीं है। इस देश में अपने पापों को स्वीकार करने की कम से कम हमारे कांग्रेसी मित्रों की परम्परा नहीं है। उस दिन श्री सुब्रमण्यम ने क्या कहा था यह मैं अपने कांग्रेसी मित्रों को सुनाना चाहता हूँ :

"I do agree that if, because he is the Prime Minister's son, anything untoward has happened, if anything undesirable has happened, it should be looked into. Again, I want to give you this assurance that if anything is brought to our notice, it will be inquired into and whoever it might be, friend or foe if irregularities had been committed, either officially or unofficially proper action will be taken. That assurance I want to give to the hon. House."

SOME HON. MEMBERS : How fair it is ?

श्री अटल बिहारी वाजपेयी : केवल आश्वासन देना काफी नहीं है। उन पर अमल नहीं किया गया है। अगर आपको कोई आपत्ति नहीं है और अगर आप समझते हैं कि आपका दामन पाक और साफ है तो पार्लियमैन्ट्री कमेटी बनाने के लिए आपको आपत्ति क्यों है। मारुति के लिए लैटर आफ इन्वैन्ट जारी करने से ले कर मारुति की एजेंसियों को बेचने तक सारी कहानी धांधली की कहानी है, सत्ता के दुरुपयोग की कहानी है, भ्रष्टाचार की कहानी है, भाई भतीजावाद की कहानी है। कार बनी नहीं है एजेंसियां बिक रही हैं, करोड़ों रुपया इकट्ठा किया जा चुका है। केवल प्रधान मन्त्री का नाम ले कर यह सब हुआ है।

श्री नरेन्द्र कुमार साल्वे : सभापति महोदय मैं एक व्यवस्था का प्रश्न उठाना चाहता हूँ। वाजपेयी जी एक पार्टी के लीडर हैं। हम उन से आशा करते हैं...

श्री अटल बिहारी वाजपेयी : व्यवस्था बताइये।

श्री नरेन्द्र कुमार साल्वे : व्यवस्था का प्रश्न यह है कि 356 के तहत उनको मोशन पर कनफाइन करना चाहिए। औचित्य या भ्रष्टाचार का सवाल आता है या नहीं इसका कोई तालुक मोशन से नहीं है। 356 के तहत आप उनको कहें कि वे ऐसी बातें न कहें जो इरेलेवंट हो और अगर उनको कुछ नहीं कहना है तो अपना भाषण समाप्त करें।

MR. CHAIRMAN : I think it has been the experience of the House, generally speaking that Shri Atal Bihari Vajpayee never goes out much; sometimes, he may go here and there, but generally, he does not go out much. This is a very touchy subject to both sides of the House and a little diversion may be tolerated.

श्री नरेन्द्र कुमार साल्वे : मैं आपकी व्यवस्था चाहता हूँ कि मारुति के एफेयर्ड इस मोशन के लिए टोटली इरेलेवंट है या नहीं है।

My request to you is that the Member who is speaking should adhere to certain rules.

MR. CHAIRMAN : The Hon. Member has not understood me. I said that it was touchy to those people who wanted to make something out of it. Therefore, a little diversion here and there should be tolerated.

SHRI A. K. M. ISHAQUE : We do not mind occasional diversions; but this is an exercise in irrelevance.

MR. CHAIRMAN : The motion before the House does bring in so many other factors also. Still I would request members to confine themselves within the purview of the Motion.

SHRI K. LAKKAPA : On a point of order under rule 356.

"The Speaker, after having called the attention of the House to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech".

He is persistently repeating what has been said by other members and bringing the same thing again and again. Therefore all these observations of his should be expunged. The rule is very clear on this.

MR. CHAIRMAN : If there is any irrelevance or repetition, the Chair will take care of it.

श्री अटल बिहारी वाजपेयी : समझ में नहीं आता है कि मारुति का नाम आते ही हमारे काँपेसी मित्रों को मुर्छा क्यों आने लगती है ? अभी महाजन साहब कह

[श्री अटल बिहारी वाजपेयी]

ये कि यह सारा मसला विरोधी दलों ने राजनीतिक बनावा है तब चेरर ने महाजन साहब को ऐसा कहने से नहीं रोका, उन्होंने कहा कि चरित्र हत्या कर रहे हैं, तब किसी काँग्रेसी मित्र ने आपत्ति नहीं की। तूफ़ी बतूकी जवाब देने के लिए मैं खड़ा हुआ हूँ। भारत के सम्बन्ध में जन मन में व्याप्त आशंकाओं का निराकरण अगर करना है तो इस का एक ही मार्ग है कि एक संसदीय समिति का गठन आप करें जो सारे तथ्यों में जा कर अपनी रिपोर्ट दे और अगर सरकार ऐसी समिति का गठन करने से इनकार करती है तो सरकार यह स्वीकार कर लेती है कि दाल में काला है और पाप पर पर्दा डालने के लिए वह किसी जाँच के लिए तैयार नहीं है।

THE MINISTER OF INDUSTRIAL, DEVELOPMENT AND SCIENCE AND TECHNOLOGY (SHRI C. SUBRAMANIAM): I have listened with great respect to the speeches of Shri Mishra and Shri Jyotirmoy Bosu. I doubt whether I have or I had intentionally or unintentionally misled the House with reference to any point of fact. With great respect to them, I can say this with a clean conscience that there was absolutely no misrepresentation or misleading with regard to any of the facts I had placed before the House at that time.

The point for consideration is this. This resolution as you have been pleased to point out from the Chair, definitely refers to "misleading the House in their statements made in the House on the 22nd December, 1972, 1st March, 1973 and 7th March, 1973 with regard to the violation of the provisions of and orders made under the Indian Works of Defence Act in spite of objections taken by appropriate defence authorities." It looks as if this motion has been brought with an ulterior motive to rake up all matters on which a decent burial has already been given.

SHRI PILLO MODY: All irregularities concerned with Maruti; they are politically motivated. (Interruptions)

SHRI C. SUBRAMANIAM: Please wait. Simply because we have different interpretations of a particular Act or a particular

order it does not mean it is misleading. I may be wrong or he may be right, but that is quite a different thing. But go we believe that what we have put forward is *bona fide* and correct? That is the main matter for consideration. You will find that there was the 1962 notification. If it was valid, why did we want to take another notification in 1969? I do not think any body would go about repeating the whole thing if we considered it to be valid. Therefore, at that time, it was considered that another notification was necessary, and that is why all the proceedings in 1969 were taken. Otherwise, this will be meaningless exercise. Therefore, in our view, the 1962 notification was no longer effective and therefore, we were trying to take another action in 1969. Whether the action taken in 1969 is valid or not also has to be considered, and in our view—and that is what Shri Mishra referred to and also the Defence Minister wrote to them and it was quoted—that defect was discovered. And, therefore, if that defect was discovered and when we think that there was a defect and on that basis we say there has not been infringement of any of the provisions of the law, is it misleading the House? The hon. Member may think that our interpretation is wrong. That is quite a different thing altogether. But if we come to the conclusion on the basis of a thorough investigation of the facts, and the various provisions and the rules having been considered we come to the conclusion that this was not effective and we come to the House saying that this is the conclusion we have reached, is it misleading the House? This, I respectfully submit, is the plain thing which has to be considered.

The hon. Member may differ with regard to that. In other things they may have grievances, but certainly all those points cannot be brought in under the guise of this motion, and he cannot ask us to reply to those things. This is how in the other motion about the manufacture of cars he brought in not only the question of Maruti but land acquisition by the Haryana Government which is exclusively an executive act of the Haryana Government to which any action can be taken legally in the court or in the Haryana Legislative Assembly. If there is any fault of the Government on the executive side that should be taken to the court or in the Haryana Legislative Assembly. Therefore, I respectfully submit that as far as this motion is concerned, there is absolutely no basis for this resolution.

I can speak for my colleagues also and I am sure they would also intervene. I would like to emphasise on my behalf that there was absolutely no intention to mislead the House, and having gone through the whole proceedings, I am prepared to say that even unintentionally there was no misleading as far as the facts are concerned in this matter.

16.14 Hrs.

[SHRI K. N. TIWARI in the Chair]

श्री बी० पी० मौर्य (हापुड) : सभापति महोदय, श्री अटल बिहारी वाजपेयी का प्रबचन मैं बड़े ध्यान से सुन रहा था। उसमें ज्ञान, तथ्य और कानून से कोई वास्ता नहीं था। उसमें राजनीति ही राजनीति थी। इस लिए यदि मैं भी राजनीति में चला जाऊँ, तो श्री वाजपेयी और उन के साथी मुझे रोकेंगे नहीं, ऐसा मैं विश्वास करता हूँ।

मैं नम्र निवेदन करना चाहता हूँ कि जिस समय आज़ादी की लड़ाई लड़ी जा रही थी, उस समय कुछ ताकतें उस का विरोध कर रही थीं। आज़ादी आने के बाद जब देश में जनतन्त्र के लिए उत्तेजना थी, तो उस का भी विरोध कुछ ताकतें कर रही थीं। जनतन्त्र आने के बाद जब देश में विकास राष्ट्रीयकरण और समाजवाद की राह पर चलने के लिए पंच-वर्षीय योजनाएँ बनाई गईं, तो कुछ ताकतें उस का भी विरोध कर रही थीं। आज वही ताकतें अपने उद्देश्यों की पूर्ति के लिए फिर सामने आ गई हैं। इस के लिए उन्होंने एक ऐसे फ़ौजी कर्माडर के पत्र का सहारा लिया है, जिस का अपना स्वार्थ इसमें छिपा हुआ था। शायद इस सदन के बहुत से माननीय सदस्यों को इस बात की जानकारी न हो कि जिस पत्र को ले कर श्री मिश्र ने यहाँ पर यह प्रश्न उठाया है, उस पत्र के लेखक जो फ़ौजी हाकिम हैं, स्वयं उन की ज़मीन ली गई थी। (व्यवधान) वह ज़मीन लेने की बात उस समय चली, जब मारुति का जन्म भी नहीं हुआ था और जब हरियाणा राज्य भी नहीं बना था। उस फ़ौजी हाकिम

ने अपने पद का दुरुपयोग किया है। इस पत्र के द्वारा उस ने एक बड़बन्द की रचना की है। जब यह ज़मीन ली गई, तो उस फ़ौजी हाकिम की भी ज़मीन ली गई।

जिन लोगों ने इस प्रश्न को उठाया है, वे वही लोग हैं, जो प्रिवीपरिसज, को बनाये रखना चाहते थे, जो बैंकों के राष्ट्रीयकरण का विरोध करते थे, जो तरह तरह की प्रतिक्रियावादी ताकतों की सहायता से यहाँ पर स्टेटस को कायम रखना चाहते थे। जब इन लोगों ने "इन्दिरा हटाओ" का नारा लगाया, तो जनता ने उन को धराशायी किया और श्रीमती इन्दिरा गाँधी पर विश्वास प्रकट किया

उस के फलस्वरूप देश की राजनीति में श्रीमती इन्दिरा गाँधी का प्रकाश फैल गया और श्री वाजपेयी तथा उन के साथी डगमगा गए। आज वे लोग उस प्रकाश को, उस चेहरे को, धुन्धला करने के लिए, इस प्रकार की राजनैतिक साजिशें कर रहे हैं और अपना राजनैतिक उल्लू सीधा करने के लिए श्रीमती इन्दिरा गाँधी पर तरह तरह के आरोप लगा रहे हैं।

इस पत्र में 1956 के नोटिफिकेशन के बारे में ब्यौरा दिया गया है। जैसा कि मेरे अन्य साथियों ने बताया है 1962 या 1969 के नोटिफिकेशन के बारे में इस अधिकारी को या तो ज्ञान नहीं था और या जान-बूझ कर उस ने इन तथ्यों को छिपा रखा है। अगर हम 1956 के सर्कुलर को देखें, तो पास का गाँव भी उसमें आता है। 3500 गज तक वहाँ कोई रचना नहीं की जा सकती थी। उसमें भी दो रूप हैं : ज़मीन का इस्तेमाल और ज़मीन पर निर्माण। 1956 के सर्कुलर के आधार पर ज़मीन का इस्तेमाल तो किसान कर सकता था, लेकिन वह वहाँ कुछ बना नहीं सकता था। ज़मीन का इस्तेमाल तो वहाँ था। इसके बावजूद श्री ज्योतिर्मय बसु ने कहा कि वहाँ कुआँ तक नहीं बनने दिया। स्थिति यह है कि

[श्री० श्री० श्री० नौधे]

वहाँ सैकड़ों की तादाद में बंगले बन गए थे, अनप्याराइज्ड कन्स्ट्रक्शन हो गए थे। इसलिए या तो 1956 के सर्कुलर का हवाला जान-बूझ कर दिया गया, या उन को ज्ञान नहीं था।

जिस डिपो के बारे में माननीय सदस्यों को बहुत ज्यादा परेशानी है, जिस की वजह से 1962 का नोटिफिकेशन था, वह 1966 में नहीं रहा। जब वह 1966 में नहीं रहा, तो वे तमाम रुकावटें और रेस्ट्रिक्शन अपने आप समाप्त हो जाती हैं, जो 1962 में आई थी। 1969 का गजेट जरूर हुआ, लेकिन पब्लिक नोटिफिकेशन नहीं हुआ। अगर श्री मिश्र उन दोनों में अन्तर करें, तो उस से बहुत सी बातें साफ हो जायेंगी।

श्री वाजपेयी से मुझे कोई भी परेशानी नहीं है, क्योंकि प्रत्यक्ष में उन का कोई बेटा बेटा नजर नहीं आता है। लेकिन इस सदन में बहुत से ऐसे आदरणीय सदस्य हैं, जिन के बेटे-बेटियाँ हैं। मैं इस पक्ष का हूँ कि किसी भी लड़के या लड़की को उस के बाप के प्रधान मन्त्री, मन्त्री या संसद-सदस्य होने का लाभ नहीं होना चाहिए। लेकिन इस के साथ साथ इस सदन के सदस्यों को, देश की जनता को, बुद्धिजीवियों और श्रमजीवियों को इस तथ्य पर भी विश्वास करना पड़ेगा कि किसी भी नौजवान को इस बात की सजा नहीं मिलनी चाहिए कि उस की माँ प्रधान मन्त्री है।

इस बात की सजा नहीं मिलनी चाहिए क्यों कि उस का बाप मन्त्री है, यह मैं आप से नम्र निवेदन करना चाहता हूँ। ऐसे छोटे सहारों को ले कर आप चलें हैं। जिस पत्र के बारे में आप कह रहे हैं उस पत्र के बारे में आदरणीय रक्षा मन्त्री स्वयं बतायेंगे, किस तरह से आप ने अपने दायरे में लाने के लिए उसे तोड़ा मरोड़ा है। वह जाली पत्र मुझे तो नजर में आता है। उस के बारे में पूरा प्रकाश रक्षा मन्त्री जी डालेंगे। मैं तो केवल एक ही निवेदन करना चाहता

हूँ कि खुला मैदान है, जनतन्त्र है, कोई व्यक्ति-तन्त्र नहीं है, उस मैदान में हार जाते हो तो यह ओछे हथकण्डे क्यों अपनाते हो? इन को अपनाने से कोई भी लाभ होने वाला नहीं है। कोई भी यहाँ व्यक्त्या का प्रश्न नहीं था। कोई भी यहाँ प्रिविलेज का प्रश्न नहीं था। किसी भी मंत्री ने प्रिविलेज को नहीं तोड़ा था। केवल अपने मन का गुस्ता निकालना चाहते थे राजनीति के आधार पर, यही मुझे निवेदन करना है।

श्री भोगेंद्र झा (जयनगर) : सभापति जी, जो यह विषय उठा है, यह स्पष्ट है मौर्य जी ने कहा और कई और सदस्यों ने कहा कि राजनीति से इस को मिलाया जा रहा है। इस में कोई दो राय नहीं हैं कि राजनीति जिस की जो है उसके मुताबिक इस मामले को वह इस्तेमाल करने की कोशिश कर रहा है। यह भी सही है कि हमारे देश के जो कारों के इजारेदार हैं एम्बेसेडर, फिएट और स्टैण्डर्ड के मालिक, वह नहीं चाहते थे कि कोई छोटी कार का कारखाना देश में चले। 18-20 साल से पब्लिक सैक्टर में कारखाना खोलने का सारा प्रयास विफल गया। सुब्रह्मण्यम साहब उद्योग मंत्री थे, तब उन्होंने आश्वासन दिया था कि होगा। फखरुद्दीन अली साहब ने मेरे सवाल के जवाब में बार-बार कहा था कि होगा। विदेश की कई कंपनियों से बातें की गई थीं। लेकिन हिन्दुस्तान के ये तीन कारों के इजारेदार भारत सरकार से ज्यादा शक्तिशाली साबित हुए और पब्लिक सैक्टर में कोई छोटी कार का कारखाना नहीं चला। हमें उस के लिए भी कोई ज्यादा दुःख नहीं है। हमारी पार्टी ने बार-बार कहा था कि पब्लिक ट्रान्सपोर्ट बसैस का बढ़ावा कीजिए कार का कारखाना न भी बढ़े तो आम लोगों के लिए ज्यादा सुविधा यात्रा में होगी।

यह भी सही बात है कि आज देश के अन्दर जो इस मारुति के सवाल पर हंगामा हो रहा है उसमें एक तरफ ये कारों के पुराने इजारेदार हैं। पूरी शक्ति से उनके सारे साधन, उनके प्रचार का साधन इस में लगा हुआ है। और यह

भी सही बात है कि जब गल्ले के थोक व्यापार का राष्ट्रीयकरण हुआ, जब कोयले का राष्ट्रीयकरण हुआ तो ऐसी पृष्ठभूमि में जो निहित स्वार्थ वाले हैं वह अपनी पूरी शक्ति से जनता के ध्यान को दूसरी तरफ खींचना चाहते हैं जिससे कि आम जनगण एक हो कर अपनी खुशहाली की लड़ाई के लिए आगे न बढ़ सके। और इसी पृष्ठभूमि में यह एतराज है। अभी मौर्य जी ने कहा कि किसी नौजवान को अधिकार है या नहीं है कि अगर वह किसी का भी पुत्र है तो वह अपनी क्षमता के मुताबिक कारखाने को बढ़ा सके, प्रधान मंत्री का पुत्र हो, किसी का भी हो? सभापति जी, उस को पूरा अधिकार है। लेकिन इस सवाल पर इसी से हमें सदमा होता है। सदमा हमें यह होता है कि क्या किसी एक नौजवान को वह प्रधान मंत्री का पुत्र नहीं भी रहे तब भी देश के करोड़पति, देश के टैक्सों की चोरी करने वाले शिखण्डी बना कर इस्तेमाल करें क्या यह मुनासिब होगा? क्या यह सही है, आम लोगों की धारणा है कि मारुति कारखाना संजय गांधी का है, क्या यह सही है कि 7 करोड़ का हिस्सा जिस कारखाने में है संजय गांधी का हिस्सा उस में सिर्फ 1 हजार रुपए का है?

श्री पील मोदी : कहां से लाये एक हजार रुपया वह?

श्री भोगेन्द्र झा : और यह 7 करोड़ के हिस्से वाले कौन लोग हैं? क्या यह वही लोग हैं जो देश के बड़े-बड़े करोड़पति हैं? क्या वही लोग हैं जो भारत सरकार की और प्रधान मंत्री इंदिरा गांधी की नीतियों के खुले आम विरोधी हैं, शराबखोर से लेकर टैक्स चोर तक इस में हैं। क्या यह दुर्भाग्य की बात नहीं है कि संजय गांधी को शिखण्डी बना कर वह इस्तेमाल कर रहे हैं? अगर पूरी फहरिस्त पढ़ी जाए तो 120 आदमी हिस्सेदार हैं जिसमें 24 ऐसे हैं जिन्होंने 14 करोड़ रुपया पब्लिक फाइनेंसियल इंस्टीट्यूट्स से लिया है। केवल 24 ने लिया है। यह

क्यों इन को दिया गया है? क्या मारुति में हिस्सा देने के बदले दिया गया है? क्या उन्होंने संजय गांधी को मुशारे पर मैनेजिंग डाइरेक्टर रख लिया है? क्या जहां 120 हिस्सेदार हैं जब इन की मर्जी होगी संजय गांधी को निकाल नहीं सकते हैं जब कि देश के लोगों में भ्रम पैदा किया जा रहा है। और मुझे अफसोस जरूर है कि जो विरोधी पक्ष के लोग हैं बोले हैं वह भी इस बात को छिपा गए और सरकारी दल में भी शायद यह हिम्मत नहीं है या ईमान नहीं है कि वह सच्चाई को रखें कि यह कारखाना संजय गांधी का नहीं है। देश के करोड़पति ही शिखण्डी बना कर हमारे एक नौजवान को आगे रख कर उसका इस्तेमाल कर रहे हैं। इस सदन का यह कर्तव्य हो जाता है कि जो शिखण्डी के पीछे खड़ा है उस पर हम चोट करें। मारुति सहि! चारों कारखानों का हम राष्ट्रीयकरण करें, हमारा यह राष्ट्रीय कर्तव्य हो गया है। फिएट, एम्ब्रसेडर, स्टैण्डर्ड और मारुति, इन चारों कारखानों का हम राष्ट्रीयकरण करें। मैं इन्तजार कर रहा था कि वाजपेयी जी जरा इस बात को बोलते। वह राजनीति बोले, मुझे उससे एतराज नहीं है। लेकिन वह इस बात को जरा बोलते। मुझे अफसोस है कि ज्योतिर्मय बसु बोले तो कम से कम वह इस बात को कह सकते थे, ऐसी आशा मैं करता था।

तो ऐसी स्थिति में मैं यह समझ रहा हूँ कि यह मारुति का कारखाना एक नौजवान का, उसके पैसे के अभाव का इस्तेमाल कर-अभी पील मोदी वाले हैं कि हजार रुपया कहां से लाए क्योंकि यही और इन का बर्ष ला सकता है करोड़ों रुपए, मुफ्त के रुपए, ब्लैक के रुपए, लेकिन किसी नौजवान के पास में हुनर है और इत्म है, पैसा नहीं है तो उसका बेजा इस्तेमाल करोड़पति लोग कर रहे हैं। एक नौजवान के जोश और उमंग का इस्तेमाल करोड़पति इस तरह से कर रहे हैं। ऐसी पृष्ठभूमि में जब कोई बोर्ड आफ डायरेक्टर्स में अकेले संजय

गांधी हैं जो हिस्सेदार हैं, बाकी जो बोर्ड आफ डायरेक्टर्स में तो हैं वह कपाड़िया हैं, एक बेचारे मोहन की तो मृत्यु हो गयी शराब कारखाने वाले, अब पता नहीं वह भारत के के चलते घुस आए थे राज्य सभा में या और किसी के चलते, यह मैं नहीं जानता हूँ, यह कांग्रेस पार्टी वाले तय करें, लेकिन जो भी हो, यह बाकी आठ हिस्सेदार भी नहीं हैं जो बोर्ड आफ डायरेक्टर्स के मेंबर हैं। तो जो मामूली हिस्सेदार भी नहीं हैं, वह बोर्ड आफ डायरेक्टर्स में है, और सब कब्जा किये हुए हैं। हिस्सेदारी में वह कब्जा किए हुए हैं। बदले में 14 करोड़ रुपया इन्होंने राष्ट्र का धन ले लिया है। इस बीच में यह इन्होंने लिया है और देश में यह नाटक हो रहा है कि संजय गांधी का कारखाना है।

इस पृष्ठभूमि में जिस पर आपके सामने बहस शुरू हुई है उस पर मैं आ रहा हूँ। जो विषय है, जो कांग्रेस के सदस्य बोले हैं, मैं इंतजार कर रहा था कि कुछ ऐसी बात कहेंगे कि कुछ नई रोशनी पड़ेगी। सुब्रह्मण्यम साहब भी बोले हैं, उन्होंने भी कोई रोशनी नहीं डाली।

श्री पीलू मोदी : इन को नई रोशनी चाहिए। इन पर इंदिरा की रोशनी काफी हो गयी है, अब नई रोशनी चाहिए।

श्री भोगेंद्र झा : आप के लिए तो कोई रोशनी काम नहीं करेगी।

शुक्ला साहब का जवाब यह था—

तो जहां तक वहां से हटाने का सवाल नहीं है जो अभी तक दर्ज है जो मिश्रा जी ने कहा है उसके आधार पर कुछ भी वहां से हटाने का सवाल नहीं है। लेकिन कुछ एतराज नहीं है, इस में दो ही बातें सम्भव हो सकती हैं। या तो उस समय मिनिस्टर साहब को यह मालूम नहीं था कि किसी अफसर ने एतराज किया था। नहीं मालूम था तो खुलकर सदन में कह दें कि हमें मालूम नहीं था और उस

वक्त गलती हो गई, कोई नीयत नहीं थी, सदन को गुमराह करने की और इसमें मामूली हिम्मत की जरूरत है, कोई बहुत ज्यादा हिम्मत की जरूरत नहीं है।

श्री अटल बिहारी वाजपेयी : उनमें मामूली हिम्मत भी नहीं है।

श्री भोगेंद्र झा : और अगर उन को मालूम है जो मोर्य साहब ने कहा है और सास्वे साहब ने कहा है, बाकी लोगों ने भी कहा है कि वह अफसर ने जो भी लिखा था वही गैर-कानूनी था, तब तो गंभीर मामला आता है। तब तो एतराज था, आप कहते उस दिन कि यह गैरकानूनी एतराज था, आप कहते कि यह एतराज नियमों के आधार पर नहीं है, तो मालूम था अगर आप को और तब आप ने कहा तो सदन को निश्चित ही गुमराह किया। नीयत हो या नहीं हो नतीजा यही हुआ। मालूम नहीं था तो आप से अनजान में गलती हो गयी। वह पत्र है, कानूनी है या गैर-कानूनी है. . . .

सभापति महोदय : देखिए, दोहराए मत एक बात को।

श्री भोगेंद्र झा : किसी भी हालत में यह गलती हुई और मैं आशा करता हूँ सदन के सामने मंत्री महोदय इस गलती को माने, यह कोई बहुत बड़ी बात नहीं है। जहां तक नीयत का मामला है तो अन्तर्यामी होने का दावा हम नहीं कर रहे हैं कि नीयत थी गुमराह करने की। लेकिन वैसे ही सवाल दूसरा फिर आता है, सवाल यह आता है कि नोटिफिकेशन जारी हुआ, जिला मजिस्ट्रेट ने उसे प्रसारित नहीं किया पब्लिक के लिए गैरकानूनी हो गया।

श्री अटल बिहारी वाजपेयी : गलती किस की है ?

श्री भोगेंद्र झा : मैं गलती पर नहीं जाना चाहता, मैं जानना चाहता हूँ कि क्यों गलती हुई ? 68 में भारत के लिए आवेदन पड़ा

69 की जनवरी में यह आदेश, यह नोटिफिकेशन हुआ। उस के बाद कलैक्टर ने क्यों रोका? कलैक्टर हरियाना का था, कलैक्टर बंसीलाल के मातहत का था। क्या मारुति के चलते तो नहीं रोका गया? मैं यह जानना चाहता हूँ। रक्षा मंत्री का पत्र पढ़ा गया है, अभी सुब्रह्मण्यम साहब ने कहा है कि हमें पता चला कि सन् 69 में 62 वाला नोटिफिकेशन लागू नहीं होता इसीलिए दुरुस्त करने के लिए 69 में नया आदेश जारी हुआ, नोटिफिकेशन जारी हुआ। अगर जारी हुआ तो उस को पंगु बना कर क्यों रख दिया? उसे रास्ते में क्यों रोक लिया गया, क्योंकि मारुति का आवेदन पहुंच चुका था 1968 में। स्थान का परिवर्तन बाद में हुआ। मैं जानना चाहता हूँ—हृदय की बात का मैं दावा नहीं करता—क्या यह सही है कि मारुति के चलते ही कलैक्टर ने नोटिफाई नहीं किया?

श्री नरेश्वर कुमार साल्वे : 1969 में मारुति था ही नहीं।

श्री भोगेन्द्र झा : मारुति गर्भ में था, उस का आवेदन पड़ चुका था, स्थान का परिवर्तन बाद में हुआ है। क्या कलैक्टर ने जब इस को पंगु बना दिया तब स्थान में परिवर्तन नहीं हुआ।

इसके साथ, सभापति महोदय, मैं यह आग्रह करूंगा—क्या मारुति के सवाल को लेकर सदन को यह विश्वास दिलाने की कोशिश की जा रही है कि वहां कोई कायदा या नियम नहीं था, जब से हवाई फौज के हाथ में वह स्थान आया, तो उस के बाद कोई भी आदमी वहां कुछ भी कर दे, कोई कारखाना या कोई और चीज बनादे, उस पर कोई नियन्त्रण नहीं है, या मारुति के लिए सरकार की ओर से दबाव आया : यह बड़ी हास्यास्पद बात है, इस का मतलब है कि हमारी हवाई फौज को सुरक्षित करने के लिए कोई स्थान ही नहीं है—इस के लिए हमारे ये वकील लोग बहस किये जा रहे हैं।

श्री नरेश्वर कुमार साल्वे : यह बात नहीं है।

श्री भोगेन्द्र झा : कल कोई वहां कोई कारखाना बनाने लगे तो उस के लिए रोक है या नहीं है।

श्री नरेश्वर कुमार साल्वे : रोक ऐसी है कि जो भी वर्क्स बनते हैं, उसी वक्त ही डेक्लेरेशन कर देना चाहिए। अगर मकानात बन जाएंगे तो उन को बाद में तोड़ा नहीं जा सकता।

श्री श्यामनन्दन मिश्र : अब उस को तोड़ दीजिए।

श्री भोगेन्द्र झा : सभापति महोदय, जो बात मैं कह रहा था, उसमें साल्वे साहब ने कोई मदद नहीं की। कांग्रेस बेंचेंज से अभी तक जो कुछ कहा गया है, उस के मुताबिक कोई नियम, अधिनियम, कानून वहां नहीं है जिन के मुताबिक हमारी हवाई फौजों का किनारा सुरक्षित रह सके। अगर यही मामला है तो यह और भी गम्भीर मामला है, हमारी सुरक्षा के साथ खिलवाड़ किया जा रहा है।

इसीलिए इन बातों को ध्यान में रखते हुए, सभापति जी, मैं आप के जरिए सदन से निवेदन करना चाहता हूँ, खास कर शासक दल से आग्रह करना चाहता हूँ कि गम्भीरता से जहाँ तक उस दिन की गलती का सवाल है, उस को मान लें, तो सदन को इस मामले में थोड़ा उदार होना चाहिए क्योंकि उन्होंने उस गलती को मान लिया है। मैं आशा करता हूँ कि मिश्रा जी भी इस से सहमत होंगे।

जहाँ तक दूसरा सवाल है—मारुति ने जो रूप लिया है, चार कारखाने हैं, हम राष्ट्रीयकरण की ओर बढ़ें और ऐसा करके इन प्रति-क्रियावादियों से बचें।

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE) : Mr. Chairman, Sir, I wish to make a very brief intervention because, after hearing the debate, I do not find anything which is new and which requires a fresh reply, so far as I am concerned. I am coming up because the motion specifically mentions my name and alleges that I have misled the House.

[Shri H. R. Gokhale]

Now, why have I misled the House? Because, some hon. Members in this House do not agree with the interpretation which I have placed on the relevant provisions of the law. By the same logic, can I say that they are misleading the House because I do not agree with their interpretation?

Sir, I have dealt with this question elaborately when I intervened in the debate on the 7th March. On the last occasion I dealt only with the question of law as to the argument that certain provisions of the law, in particular the Indian Works of Defence Act, 1903, have been violated. When I spoke at that time I had made it clear that I was intervening only to clarify the legal position and, as I was entitled to, I looked at the facts stated by my colleague as authoritative facts. Because, even a conclusion on a question of law can be reached on the basis of certain facts, on the basis of which you say whether the law has been violated or not violated.

Now the whole question is in a very narrow compass. We have the 1962 notification and also the 1969 notification. With regard to the 1962 notification I had stated, and I would state now, that so far as the validity of that notification was concerned, it was a valid notification and was in existence up to a particular point of time. Because it appeared to me that it conformed and complied with the requirements of Section 3 read with Section 7 of the Indian Works of Defence Act, 1903.

Then certain circumstances intervened sometime in 1966. As a fact, it was stated before the House that the ammunition depot to which 1962 notification referred was not there, that was shifted from there and that, not only it was shifted from there but some other depot which came in its place did not occupy topographically the same area which was occupied by the ammunition depot to which the 1962 notification applied. The crux of the matter, so far as the law is concerned, is that Section 3 itself requires that when you want certain restrictions under Section 7 and in particular Section 7(b) to apply, you have to study at a point of time from where the distance, whether it is 1000 or

2000 yards, begins, that is, the crest of the parapet wall as it is called, so that out of that distance, you are prohibited from erecting any structures or things of that sort. Now, the crest of the parapet wall itself changed because the fact stated was that in the new installation which was brought sometime in 1966, some part of the land which had been allotted to the earlier installation, the ammunition depot, had been taken away by derequisitioning. The crest of the parapet wall itself altered. Therefore, there was no question of distance of 1000 yards referred to in 1962 notification being applied to a geographically or topographically a new situation that came into existence when the crest of the parapet wall itself changed, when the new installation came there.

That was the particular reason why I said that 1962 notification had spent itself out, had exhausted itself out, because the very corpus or the very body in respect of which the notification was issued did not exist in point of fact.

Then, I said, 1969 notification was undoubtedly issued and, again, it was purported to have been issued in accordance with the provisions of Section 3 read with Section 7(b) of the relevant Act. Now, with regard to that notification, I must make it clear that I have not used the word *non est* at any time during the previous discussion on the subject. The confusion arises because, unfortunately, it has not been appreciated that there is a vital distinction between either a law or a notification which is *non est* and that which is non-operative. When a law is *non est*, it does not exist; simply, it does not exist. Therefore, anything said to have been done under the law cannot be said to have been done at all. But it is not the same thing to say that the law is not non-operative. The law may exist. Certain conditions precedent, laid down under the law itself, have to be fulfilled before that law becomes operative. Therefore, a distinction between a *non est* notification and a notification which even if assuming it was valid was non-operative was, unfortunately, not appreciated.

What I said so far as the 1969 notification was concerned, apart from the many infirmities from which it suffered—I do not

want to go into all that again; I have referred to them during the earlier discussion—that one vital thing has not happened in respect of that notification. Therefore, I said, even though assuming it was validly issued, it could not be said to have been operative at all in terms of Section 3, Sub-Section (2). What is the effect of such a notice not being given is mentioned clearly in Section 7 which is really a more important provision so far as the legality or the illegality of the present case is concerned. Section 7 itself says :

“From and after the publication of the notice mentioned in Section 3, sub-Section (2) such of the following restrictions as the Central Government may in its discretion declare...”

I submit that there can be no reason for any doubt here. So far as this section is concerned, it says that the restrictions will come into effect from and after the publication of the notice. Till that time, even if the notification is valid, the restrictions under section 7 do not come into effect—they come into effect only ‘from and after the publication of the notice’ referred to in section 3. If the notice under section 3 itself was not issued, the question of section 7 or the restrictions in section 7(b) becoming operative does not arise at all. That is what I stated in my earlier statement in the House on the 7 March. Therefore, to say that I said—this has been put in my mouth—that the 1962 notification was invalid because the 1969 notification was issued is, to say the least, failing to appreciate the contention which I had made before the House at that time. I did undoubtedly say that 1962 notification, for the reasons which I had mentioned, had spent itself out. The very fact that the 1969 notification was required to be issued, was deemed to be necessary to be issued as my colleague, Shri C. Subramaniam, mentioned, would show that even the authorities which were responsible for issuing the notification had thought that the 1962 notification was no longer there; therefore, a new notification was necessary. That is all that I said. I did not say that the 1969 notification rendered the 1962 notification invalid. I said that the 1969 notification was inoperative, and the 1962 notification had spent itself

out because of the supervening circumstances to which I had made reference—and I need not repeat them. No new point has been raised in the course of the debate to which I need make any reference. Points of fact have been referred to, and I am quite sure that my colleague will deal with all those questions of fact. I would not have liked to go into the legality of the matter had it not been for the fact that both on the earlier occasion and in the present debate the legality of the notifications, the legality of the action, had itself been challenged.

SHRI PILOO MODY (Godhra) : Mr. Chairman, Sir, this must be the most important debate that has taken place in Parliament in the last three years because on no other occasion in the last three years have I seen 14 or 15 Ministers present in Parliament all at once, of which at least seven were Cabinet Ministers at one time. There must be some special significance attached to this debate because I have seen crores and crores of rupees being given away. When the President's Address was debated, when the Demands for Grants in respect of the Ministries were discussed, when there were discussions on the Finance Bill in Parliament, I had seen only one or two or three Ministers being present, with Mr. Raghu Ramaiah hovering round like a fly in the House. I have never seen a single debate in this House in which 15 Ministers sat—many of them with ear-phones and seven of them being Cabinet Ministers. There must be something quite sinister or peculiar in this debate. Take, for instance, Shri L. N. Mishra, who normally comes into the House only on his ‘Question Day’ and who, immediately after the last question is finished, runs out like a rugby tackler in the fear that somebody might ask him an awkward question. And today all of them have been sitting for hours on end. I am suspicious.

Now and then somebody from the Congress benches gets up and says that there is political motivation here. I am saying that there is only political motivation in this. There is only political motivation in this. It is only for political motivation that this debate is taking place. The Ministers of the Government of India—we have now got accustomed to it—lie 12 times a day. If we start having privilege motions over every lie they utter.

[Shri Piloo Mody].

we will never do any other work in this House. But, this a very different sort of lie.

I do not want to hide behind any question that the matter of privilege is involved because he misled the House. It is quite evident that they have misled the House and it is quite evident why they have misled the House. They were only doing their masters' and mistresses' bidding and, therefore, to say that this debate is not as a result of political motivation is rank hypocrisy and I do not want any part of it. Why is this debate being brought here in this form? Because month after month we had tried in the BAC, this committee and that committee to get all the affairs of Maruti discussed on the floor of the House. Month after month and years. It took 14 months to get Nagarwala on to floor of the House. It took me 14 months to get Nagarwala discussed in the Parliament of India and in a similar fashion, no matter what efforts we made, Maruti was *persona non grata* and could not be discussed because it was too sacred a subject for the Parliament of India to discuss. You had only the other day a call attention notice dealing with the Safdarjung fly-over. My friend, Mr. Jagannath Rao Joshi was just about to say 'Maruti'. He had just uttered 'Ma' and fifteen people got up there with their books, all flagged and all points of order, points under 372, 353 and so on were raised. What does all this mean? It means there is a national conspiracy hatched by the Government of India and its followers here to put the affairs of Maruti beyond the public explanation, beyond public scrutiny and beyond public understanding. . . .

SHRI K. LAKKAPPA (Tumkur) : On a point of order, Sir. He is making a charge not only against the Treasury Benches but also against all the Members of the House that we are hatching a conspiracy. I would like to know how it is relevant. How is he allowed to use such words? He should not be allowed to use such words which reflect on the entire House.

SHRI PILOO MODY : I thank him for giving me a little rest. I have nothing against Maruti. I have nothing against Maruti or for that matter, I have nothing against Mr. Sanjay Gandhi. My answer to

everything is not like my friend Mr. Bhogendra Jha's who wants that as soon as something happens, "take it over", and in the process take a little bit more so that his philosophy is served further. By all means, I would say that it would be doing India a great injustice. It would be doing India a great injustice if Maruti was taken over by the Government of India. Let Mr. Sanjay Gandhi and all those who have rushed to help him stew in their own juice. I do not think they will be able to manufacture a car. Why should the Government of India take it over? I have nothing against them, as I said. Let Mr. Sanjay Gandhi have his project and I wish him well. I hope he does make a car. I hope he does make a car which will work and I hope that you all do have to travel in that car instead of those American imperialist cars that all of you use now. . . . (Interruptions) I have been accustomed to it but it is these people who have been sensitive about it and have no right to use one.

Sir, as I was saying, I have nothing against Mr. Sanjay Gandhi. I wish him well.

So, I shall say only this that I hope he manufactures a car and I wish him well. I see no reason why Sanjay Gandhi should not indulge in this sort of thing. This is a sort of wretched society we have created: every businessman, every blackmarketeer, every crook in this country makes use of the same laws, the same violation of laws, the same sort of protection, official protection, and the same sort of under-hand dealings go on and then they put up factories. So, why should Sanjay Gandhi not put up a factory? He is a little better connected than they are. So, let him put up a factory. If you do not stop the other blackmarketeers, why should you stop him?

The only problem involved here is that he is the Prime Minister's son. If it does not hurt or offend her dignity or self-respect, who am I to say that she should have any? So, let Sanjay Gandhi make this car. And let this sort of privilege motion keep coming till you allow a proper debate, not clothe it in secrecy and in other garbs. It is not a debate on privilege, or a little bit of lies that these Ministers indulged in because they thought that they had to be loyal to their leader; but it is a question

of having to discuss something which I think is the shame of the public life of this country.

SHRI VASANT SATHE (Akola) : We have heard the whole debate which has gone on, and as has been confessed just now by Shri Pillo Mody there has been nothing but politics in this entire debate.

Shri Shyamnandan Mishra took nearly ninety minutes on explaining the technical and legal niceties right from 1903, taking us to 1971 and all the regulations, circulars, notifications etc. etc., and he was trying to point out how the Treasury Benches had misled this House in terms of the various sections.

Therefore, there has been a complete divergence of views, as far as Shri Shyamnandan Mishra and Shri Pillo Mody are concerned. I think Shri Pillo Mody was more honest, when he confessed, let us not be ashamed, there is politics, it is pure Maruti and nothing else.

So, let us consider it now from both these angles. As far as the legal side is concerned, it has been amply demonstrated and pointed out that the 1962 notifications became inoperative because the very corpus, namely the ammunition depot was removed from there and taken to Rajasthan. The moment it ceased to exist, the notification that applied to that ammunition depot became inoperative.

So, the first thing that you have to consider is this. Did the 1962 notification remain in operation? If that goes, then let us consider what has happened afterwards. Afterwards, the Air Force came in. The Air Force then brought its own and it was called the Air Force Storage Depot. It was precisely because of that that in 1969 the Government felt that a fresh notification was essential. When they brought out that fresh notification, originally that notification was under the Act of 1903 and was considered to be valid. It is only an accident that because certain other things which were required to be done under that Act itself were not done, that notification became inoperative.

Hence if the 1969 notification is also inoperative, under what law or rule do you bring your entire case that there has been

any violation of any regulation? So as far as law is concerned, there is no substance in the case.

Let us, therefore, take politics. I would ask a simple question to all these gentlemen who have been crying hoarse and confessing that there is only politics. If this factory were not of Sanjay Gandhi's, would Shri Mishra have brought this motion here? Let us honestly ask this question.

SHRI PILOO MODY : I will answer : if it had not been Sanjay Gandhi's, the Ministers would not have been forced to lie.

SHRI VASANT SATHE : After all, are not there more serious issues facing this country?

You will remember last time they spent two days on this issue. Are we not going to take any national issue seriously? Just because you want to create a stunt, what are you trying to do? You want to denigrate...

SHRI PILOO MODY : Yesterday there was a big debate on prices. There were only 20 members in the House and he asks 'Can't we take national issues seriously?' They were in the lobbies canvassing.

SHRI VASANT SATHE : Shri Pillo Mody has blood pressure. He must not get excited.

SHRI PILOO MODY : Low blood pressure.

SHRI VASANT SATHE : While speaking, he starts panting.

What are you trying really to do? You want publicity in the press. You want the whole country and, if possible, the world to know. You want to denigrate, character-assassinate, trying to say that here is a Prime Minister who is favouring her son. That is what you aim at. You tried to do it in the last elections. Are you not going to learn the lessons thereof? Do you think you improved your image by that? In the last elections, your slogan was 'Indira hatao'. What happened? You lost the entire image of all your parties and were wiped out by the people. People do not take it in that light.

SHRI PILOO MODY : We were three years before our time.

SHRI VASANT SATHE : You are trying to spit at the mid-day sun. It will only come back on you. Therefore, do not do this spitting at the mid-day sun.

This is only a political stunt, very cheap at that, absolutely cheap. You are trying only to create scandal in the country. Therefore, I would submit there is no substance in this Motion and no one should take it seriously.

SHRI PILOO MODY : Had it been somebody else's factory, he would not have got up to defend it either.

श्री मधु लिमये (बाँका) : समापति महोदय, मैं तान्त्रिक बातों को लेकर या कानून की वारीकी में जा कर बहस नहीं करना चाहता। इस में सिद्धांतों के सवाल जुड़े हुए हैं। पहला यह कि क्या संजय गांधी के लिए लगातार कानूनों का उल्लंघन किया जा रहा है या नहीं ?

दूसरा यह कि क्या इस में बुनियादी नीति के सवाल जुड़े हुए हैं या नहीं; और

तीसरा यह कि क्या इस में औचित्य के प्रश्न और नैतिकता के प्रश्न उठते हैं या नहीं ?

सभापति महोदय, जो माननीय एस० एन० मिश्र ने प्रस्ताव रखा है, प्रस्ताव तो अच्छा ही है। लेकिन इस में एक वाक्य और होता तो बहुत अच्छा हो जाता। उस में उन को जोड़ना चाहिए था :

'the failure of the Prime Minister to enforce high standards of rectitude in this regard'.

यह भी उसमें होना चाहिए। क्योंकि बात क्या है जिन मंत्रियों की सूची इस में दी गई है कानून मंत्री, राज्य सुरक्षा मंत्री, उद्योग विकास मंत्री, ये कौन हैं? सभापति जी, लड़कपन में अरबियन नाइट्स की एक कहानी मैंने पढ़ी थी उस में एक रानी छूमन्तर से लोगों को कभी तोता बनाती थी कभी कोई प्राणी बनाती थी, किसी की मति भ्रमित कर देती थी। जो उल्लंघन के मामले प्रथम बाबू ने रखे हैं उस पर इन मंत्रियों के द्वारा यही दलील दी जा सकती है कि हमारे ऊपर श्री रानी

ने छूमन्तर कर दिया है, इसलिए हमारी मति भ्रमित है और हम जो कुछ भी करते हैं उसके लिए हम जिम्मेदार नहीं हैं। हमारी मति भ्रमित हो चुकी है। इसके अलावा और कोई समर्थन ये लोग दे नहीं सकते हैं।

17 hrs.

श्री जगजीवन राम जी ने एक पत्र त्यागी जी को लिखा था जो मेरे पास है। उसमें उन्होंने स्वयं कबूल किया है :

"The deficiencies in the notification of 1969 came to light only in December, 1972. By then no corrective action was possible in view of the limitations provided in section 9 of the Indian Works of Defence Act, 1903."

आगे वह कहते हैं :

"The Ministry of Defence is looking into the question as to how this declaration was not properly promulgated."

स्वयं वह कबूल कर रहे हैं कि घोषणा करते समय इनके द्वारा भयंकर भूल हुई। (इटरासंज) यह सही पत्र है या बनावटी है? आजकल पूछना पड़ता है यह सवाल। जब स्वयं श्री जगजीवन राम इस बात को कबूल करते हैं कि नोटिफिकेशन जारी करते समय भूल हुई और इसके बारे में हम लोग जांच कर रहे हैं कि वह भूल हुई कम तो उल्लंघन तो साफ है, गलती तो साफ है। मगर केवल एक गलती थोड़े ही है जमीन के बारे में। अभी-अभी कानून मंत्री के मंत्रालय के एक मंत्री ने शेरज के बारे में इस बात को स्वीकार किया है कि मैसर्स फिलटरोना इंडिया लिमिटेड और किल्क्स स्टाटेड एण्डसज लिमिटेड, जिन्होंने क्रमशः 24,000 और 23,000 मारुति लिमिटेड में शेरज खरीदे तब खरीदे जब कुल मारुति की पूंजी दो लाख के लगभग थी। इसमें कम्पनी कानून की एक धारा का उल्लंघन हुआ है। उसके बारे में कानून मंत्रालय के एक मंत्री महोदय का वक्तव्य मैं आपके सामने पेश करना चाहता हूँ। एक उल्लंघन का मामला नहीं है। इन कम्पनियों के द्वारा ऐसा करने के बारे में मंत्री महोदय कहते हैं

"...has contravened the provisions of section 372 of the Companies Act by subscribing more than 10 per cent in the subscribed capital of the company."

यह कम्पनी कानून का उल्लंघन हुआ है। ये सुरक्षा की बात कर रहे हैं, मैं कम्पनी कानून की बात भी जोड़ देना चाहता हूँ। उल्लंघनों की मालिका आपके सामने रख रहा हूँ...

श्री राम सहाय पाण्डे : मैं व्यवस्था का प्रश्न उठाना चाहता हूँ। मोशन सदन के सामने क्या है। मोशन यह है कि जमीन लेने के सम्बन्ध में नोटिफिकेशन जो हुआ है उसकी वजह से किसी कानून आदि का उल्लंघन हुआ है तो मंत्री उसके लिए कहां तक जिम्मेदार हैं। अब इस सब का जवाब मंत्री देंगे। मारुति के शेयर किस ने लिए, किस ने बेचे, कब बनेगी, क्या होगा, यह प्रश्न हाउस के सामने नहीं है। इसका सिद्धांत कहां से आ गया, उद्देश्य कहां से आ गया यह प्रश्न इस समय विचाराधीन नहीं है। किस की लाबी आप कर रहे हैं? क्या प्राइवेट सैक्टर जो एक्सपोज़िशन चाहता है उसकी लाबी नहीं कर रहे है?

It is not the question of Maruti; it is not the question of shares. It does not cover the motion before the House. You must know this.

SHRI C. M. STEPHEN : That is not the subject of the debate. The subject of the debate is "misleading the House..."

सभापति महोदय : डिस्कशन के अन्दर जो सबजेक्ट आ सकते हैं, ये दिये हुए हैं।

"...That this House deplors the conduct of Shri C. Subramaniam, Minister of Industrial Development, Shri V. C. Shukla, Minister of State for Defence Production and Shri H. R. Gokhale, Minister of Law, Justice and Company Affairs for misleading the House."

मिसलीडिंग दी हाउस तक ही आप अपने आपको कनफाइन रखें।

श्री मधु लिमये : कानून के उल्लंघन की बात चल रही है। मैं सिर्फ इस तथ्य को आपके सामने लाना चाहता हूँ कि उल्लंघनों का एक लगातार सिलसिला चल रहा है—

सभापति महोदय : डिस्कशन के जो प्वाइन्ट्स हैं उन्हीं तक आप अपने आपको सीमित रखें।

श्री मधु लिमये : किसी बात को संदर्भ में बाहर निकाल कर कोई चर्चा नहीं हो सकती है। यह संदर्भ का प्रश्न है। मेरा सारा समय ये लोग ले रहे हैं।

MR. CHAIRMAN : I have given my ruling that he should confine himself to the subject of the Resolution.

SHRI A. K. M. ISHAQUE : He must be advised to use gentleman's language.

श्री मधु लिमये : सब लोगों ने इसके बारे में कहा है। मेरे ऊपर रोक क्या? इन्होंने कहा, यहां के लोगों ने कहा किसी पर रोक नहीं लगी, मेरे पर रोक क्यों। ये लोग हल्ला कर रहे हैं।

SHRI A. K. M. ISHAQUE : He is stalling the proceedings of the House all the time.

SHRI C. H. MOHAMED KOYA (Manjeri) : You have no right to interrupt like that... (Interruptions).

MR. CHAIRMAN : Nothing will go on record.

(Interruptions)

MR. CHAIRMAN : There is no point of order. I have given my ruling. Let him continue now.

श्री मधु लिमये : रेलवेस को लेकर अगर इस तरह से गलत व्यवस्था के प्रश्न ये उठा येंगे तो मैं किसी को चलने नहीं दूंगा। लगातार मैं प्वाइन्ट आफ आर्डर उठाता रहूंगा। आए आप मुअत्तल करवाने वाले।** मुझे को ससपेंड कर रहे हैं।

सभापति महोदय : आप चलने दें हाउस को।

श्री मधु लिमये : ये मुझे ससपेंड करने के लिए निकले हैं वे **इन्होंने मुझे धमकी दी है कि आपको ससपेंड करवाएंगे। ये कौन होते हैं?

सभापति महोदय : आप अपने आपको मोशन तक कनफाइम रखें ।

श्री मधु लिमये : कनफाइम का क्या मतलब है... (इंटरप्चांज)

सभापति महोदय : इनको आप बोलने दें ।

श्री मधु लिमये : क्या मैं कोई नया सदस्य हूँ जो ये मुझे रेलवेस के बारे में बता रहे हैं ? (इंटरप्चांज) शट अप ।**

SHRI MD. JAMILURRAHMAN (Kishanganj) : Sir, I rise on a point of order. The hon. Member has used the word ** several times. I want your ruling on this whether this word is parliamentary or not.

सभापति महोदय : ऐसे शब्द रिकार्ड पर नहीं जायेंगे, चाहे वे इस साइड से कहे गये हों और चाहे उस साइड से । कोई अपशब्द या अनपार्लियामेन्टरी वर्ड रिकार्ड पर नहीं जायेगा । (व्यवधान) ।

श्री मधु लिमये : मेरा व्यवस्था का प्रश्न है । उन्होंने मुझे कहा कि वह मुझे सस्पेंड करवायेंगे, इसलिए मैंने उनको ** कहा । (व्यवधान) ।

सभापति महोदय : मैं रिकार्ड देखूंगा और जो अनपार्लियामेन्टरी वर्ड होगा, उसको निकाल दूंगा । (व्यवधान) माननीय सदस्य को बोलने दीजिए । (व्यवधान) ।

श्री मधु लिमये : इनकी सस्पेंड कराने वाली बात भी रिकार्ड से निकाल दीजिए । यह सस्पेंड कराने वाले कौन होते हैं ? (व्यवधान)

सभापति महोदय : माननीय सदस्य को बोलने दीजिये । (व्यवधान) यह उचित नहीं है कि एक माननीय सदस्य भाषण करें और उनको बोलने न दिया जायें ।

श्री मधु लिमये : सभापति महोदय, इसमें नीति का एक ही सवाल उठता है कि आज जब हमारे देश में पूंजी का अभाव है, तो क्या पूंजी का एक बहुत बड़ा हिस्सा

बीस-पच्चीस करोड़ रुपया इस बेबी कार पर लगाया जा सकता है, चाहे उसको कोई भी बनायें । जिस बेबी कार का इस्तेमाल इस देश के एक प्रतिभत लोग भी कभी नहीं कर पायेंगे, क्या वह ग्रामीणों की कार हो सकती है ?

इसमें औचित्य का सवाल यह आता है कि जब इंग्लैंड में लेबर पार्टी के एटली साहब प्रधान मंत्री थे, तो उनकी लड़की शिक्षिका थी । दो साल के बाद भी वह शिक्षिका रही और छः साल के बाद जब वह अपने पद से हट गये, तब भी वह शिक्षिका थी । लेकिन यदि भारत की परिपाटी का अनुकरण इंग्लैंड में होता, तो कम से कम उसको उपकुलपति ब्राइस-चांसलर बना दिया जाता ; लेकिन उन्होंने ऐसा नहीं किया । यह इंदिरा गांधी कर सकती है । उन्होंने किया है । इसलिए इसमें यह औचित्य का सवाल है (व्यवधान) ।

कानून का लगातार उल्लंघन इसलिए हो रहा है कि एक बड़ी नेत्री का मामला इसमें है, वर्ना ये लोग हल्ला न करते (व्यवधान) । श्री बाजपेयी ने कहा कि यह भाई-भतीजावाद का मामला है । मैं उन से सहमत नहीं हूँ । यह भाई-भतीजावाद का मामला नहीं है, यह पुत्र-बहूवाद है । (व्यवधान)

श्री शंकर दयाल सिंह (बतारा) : मेरा व्यवस्था का प्रश्न है । माननीय सदस्य जो कुछ कह रहे हैं, नियम 352 के अनुसार वह गलत है । हम इस विषय पर बहस कर रहे हैं, कि यह सभा औद्योगिक विकास मंत्री श्री सी० सुब्रह्मण्यम, रक्षा उत्पादन राज्य मंत्री, श्री विद्याचरण शुक्ल, न्याय और कम्पनी कार्य मंत्री, श्री एच० आर० गोखले के आचरण पर, जिन्होंने समुचित रक्षा अधिकारियों द्वारा आपत्तियां किये जाने के बावजूद, भारतीय रक्षा संकर्म अधिनियम, 1903 के उपबन्धों तथा उनके

अधीन बनाये गये नियमों के सम्बन्ध में 22 सितम्बर, 1972, 1 मार्च, 1973 तथा 7 मार्च, 1973 को सभा में दिये गये अपने वक्तव्यों में सभा को गुमराह किया है, खेद व्यक्त करती है।” लेकिन माननीय सदस्य जो बातें कह रहे हैं उनका कोई औचित्य नहीं है और इस विषय से उनका कोई सम्बन्ध भी नहीं है। मैं इस बारे में आपकी रूलिंग चाहता हूँ।

सभापति महोदय : मैंने रूलिंग दिया है कि उनको रेजोल्यूशन पर बोलना चाहिए।

श्री मधु लिमये : मैं रेजोल्यूशन पर बोल रहा हूँ।

अन्त में मैं यह कहना चाहता हूँ कि ये जो कानून के उल्लंघन हो रहे हैं, यदि उनको रोकना है, तो आप इन लोगों से कहिये कि यह जो मारुति की दुम है—आप लंका दहन की कहानी जानते हैं कि मारुति की दुम के कारण लंका का दहन हुआ था—, वह इस सरकार का दहन करने वाली है।

SHRI C. M. STEPHEN (Muvattupuzha):

Sir, to me it appears to be a matter for deep regret and tragedy that this session is ending with a debate which is too barren—barren with respect to the purpose, barren with respect to its contents and barren with respect to public interest which is sought to be served. I could not possibly conceive of a debate which is so much devoid of purpose and public interest. If the debate was on Maruti Ltd., I would certainly agree it is a matter of public importance. But we had a full debate for 5 hours on it only in December 1972. Mr. Subramaniam in replying to the debate said :

“Unfortunately, the movers side-tracked the whole thing and brought in other matters. I welcome it also because a few whispering campaigns have been going on. It is good that it has come up in this House, so that we have an opportunity to say what we have to say

with regard to this matter, i.e. with reference to Maruti Ltd. and connected matters.”

17.19 hrs.

[Mr. SPEAKER in the Chair]

So, no round-about effort was necessary to bring up this question on the floor of the House. We had a full discussion and Government spokesmen said what they had to say. There is nothing about which we on this side need feel ashamed. After that discussion, in all propriety that subject should have been taken as closed. It is really surprising that this same matter is being brought up time and again in some form or other. Are you really so barren of a subject to attack the Government? Is this the only stick with which you can attack it? Is our record so clean and wonderful that you do not get any other subject to attack us? Regarding this, we have stated what we have to say and we stand by what we have said.

Shri Subramaniam and other Ministers have time and again come and spelt out the position. I feel there is a measure of unfairness in the motion which my friend, Shri Mishra, has brought forward. Minister or no Minister, all of us are members of this House and all of us take one another for the face value when we state a particular thing.

The motion before us is taking a snow-balling process. On the 22nd December a casual question was asked and a casual reply was given. When Shri Subramaniam was speaking about that he said :

“The main attack has been with regard to the acquisition of land. I wish that the hon. Member had give notice to me broadly this is the policy which he was going to attack—not our policy but the acquisition of land policy—because then I would have got all the facts and figures.”

It shows that Shri Subramaniam was not prepared for the sort of question that was put to him. The question was :

“How about the defence installations? How are they going to take them away?”

The reply was “nothing is being taken away”. Now meanings are being read into

[Shri C. M. Stephen]

it. In fact, a privilege motion was given notice of. In all fairness, when this notice by Shri Mishra came, he came out with a statement and positively stated :

"I stated this in a particular perspective. I say I am of the opinion that what has been done is not illegal. This is our point of view about the law. Therefore, there is nothing to recant about it."

It could have been taken at the face value and the subject could have been closed. But that was not what my hon. friend did. He raised it again. Then Shri Gokhale comes here and says clearly that he is putting forward the position of law on the basis of facts mentioned by Shri Shukla. Now on a question of law two points of view are possible. One court decides one way, the appellate court decides in a different way and that is over-ruled by the Supreme Court. In fact, the Supreme Court after some time over-rules its own decisions. So, two points of view are possible. I am not arguing the point of law. The point of law has been spelt out very clearly by the Minister.

Now Shri Mishra's argument is that the point of law given by the Minister is not what he believes to be the law. This is in fact what he says. That is why I say that mutual understanding and respect should prevail between member and member, whether he is a Minister or not, and that is completely lacking here. That is why this motion is being brought forward. Shri Gokhale has aptly replied to him when he said "if my point of view is not acceptable to you, you say that I am misleading the House; suppose your point of view is not acceptable to me, applying the same logic, could I not say that you are misleading the House?"

Therefore, there is absolutely no substance in the motion before the House. Government give a particular point of view with respect to law. Shri Mishra takes a different view. If there is a difference of opinion, it is a matter to be argued in the Supreme Court. This is not a matter on which the time of the House should be taken. The motion before us is very simple. Maruti need not have been brought in. Whether misleading the House has taken place is a question of opinion. The Minister

has spelt out again and again that no misleading has taken place and still he persists in his view. It is a matter for deep regret that this is being done. I do not want to elaborate on the question of law. That has been done very ably by the Minister.

It is only a question of morality. After all, what has happened? Some 420 acres were derequisitioned. They were in the hands of somebody. Out of that 298 acres were given to some other company. Subsequently a question was asked whether they had to respect a particular notification or not. That depends on how you look at this aspect of law; nothing more than that.

Therefore, I submit this debate which has been sponsored by Shri Mishra is absolutely mischievous and is one which a parliamentarian should not have tried to bring in, alleging *mala fide* against three Members of Parliament for the *bona fide* position which they took with regard to a particular point of law. They have explained it. This should have been accepted. If this sort of a thing is to continue, then the parliamentary democracy becomes absolutely impossible. We have got other sticks with which we can beat one another. Let there be a code of conduct between us. Let us accept one another with the face value that when we make a solemn statement on the floor of the House, we accept it. If we are going to question the *bona fides*, the functioning of Parliament is absolutely impossible.

Sir, you gave a ruling which must be written down in golden letters. When the matter was brought up by Mr. Mishra on the floor of the House, you said that when this question comes up, whether there is misleading or not, and when the statement is made, the convention is that the statement must be accepted and the chapter must be closed. That advice has been disregarded. A day has been consumed for no purpose whatsoever. No public interest is being served. A debate which is completely barren has taken place. One may have vindictiveness. But vindictiveness only on a barren ground is something which is self-detracting. If they have nothing else to beat Government with, if this is the only thing left, they will stand condemned before the public view.

Sir, the very fact that day after day, hour after hour and week after week, Mr. Mishra

and some of his friends are moving up this issue speaks volumes before the people. What they speak out shows that the Government have a good record and that so much so, these people have nothing else to attack the Government. I thank Mr. Mishra for his conduct in straightening the record of the Government, that the Government have a good record, by bringing forward this barren motion before the House. I oppose this motion and, I submit, this motion has to be rejected completely.

SHRI MOHANRAJ KALINGARAYAR (Pollachi) : Mr. Speaker, Sir, as Mr. Pilo Mody has said, the last day of the session, specially at this hour having full quorum shows the importance attached to the motion brought up by Shri Shyamnandan Mishra. He has brought forward this motion because the three Ministers, Shri C. Subramaniam, the Minister of Industrial Development, Shri Vidya Charan Shukla, the Minister of Defence Production and Shri Gokhale, the Minister of Law have misled the House by saying that there has been no infringement of law, rules and regulations framed by the Ministry of Defence in regard to the Maruti project and that no objection has been taken by the Defence installation authorities....

MR. SPEAKER : May I tell you that your time was already taken by Mr. Pilo Mody? But I am giving you time. Don't take much time.

SHRI MOHANRAJ KALINGARAYAR : I did not give my time to anyone.

MR. SPEAKER : The time allotted to Opposition is exhausted.

SHRI MOHANRAJ KALINGARAYAR : The Minister gives an answer without knowing that on March 11, 1971, the Commanding Officer of the Ammunition Depot at Gurgaon was prepared to authenticate the letter objecting to the acquisition of land on the ground that it contravenes the restrictions imposed by the Defence Ministry's circular dated August 13, 1956. This shows how the Ministers and the Government with all the proper information and the machinery at their command answer questions like this in Parliament. It shows how interested they are. Is it because we the Opposition Members are very few in number? What practice they are following I would like to know.

417LSS/73

At the time of the birth of this small car project, one should notice, the Minister often mentioned in this House—hon. Minister, Shri C. Subramaniam—that it would come in the public sector and not in the private sector. Many times he has mentioned this in the House. When that was announced, many foreign companies opted for collaboration. But what happened? There was a sudden change. Suddenly it came out that it was the Prime Minister's son who was going to start this small car project and it was he who was going to get the letter of intent. We were surprised. The Minister said that we should not discourage a young, energetic engineer coming out with some indigenous production. Of course, we should encourage. But there are 20,000 to 30,000—I may even be underestimating the number—engineering graduates in petrol bunks pouring petrol. Why was only the Prime Minister's son recognised? (*Interruption*) Do not tell me that the Prime Minister's son is the only engineering graduate. There are 70,000 to 80,000 engineering graduates who are unemployed. They had come out with indigenous projects. They were accepted by the Government but were kept in the cold storage. If you want to give chance to young people, you have to give chance to those people. You are not utilising them.

From yesterday's paper I find that Mr. Sanjay Gandhi has got ten shares of Rs. 100 each. People who are shareholders to the extent of Rs. 10,000 and above—there are 90 of them in that—have been given the change. There is a Monopoly Commission and Government say that they want to wipe out the monopoly houses. But, at the same time, it is they who are indirectly helping these people in this project.

Take, for instance, acquiring of land. Here the objection of Defence was overruled. They did not worry about the Defence rules because they are in power. They have the Defence Minister with them, the Law Minister with them; they have everything in their hands. (*Interruptions*) When land was sold at a very high rate, I do not know how Mr. Sanjay Gandhi got land at a very low price. Not only that, in the same area, as Mr. Jyotirmoy Bosu pointed out a farmer could not even dig a well; it was objected to. But how is it that this industry has come up there? Do

[Shri Mohanraj Kalingarayar]

not tell me that they are ignorant of Maruti having been given land there. The main thing that is behind this is, it was done because it was Prime Minister's son. And he has gone through all those things without any difficulty. He has got all the help, even in violation of the rules. Now the Law Minister has argued his point. We do not agree with him. The hon. Member, Shri Mishraji, has given the full facts and figures and Haryana is also going through a power cut and for new industries they do not give power at all and so many industries have closed down due to this power cut and all their investments have gone waste and they have become paupers. But this project has come up just a year ago. At that time also there was power cut but they have given him 500 Kva of power. Do you think that any one other than the Prime Minister's son could have got it? It is impossible.

The Minister, Shri C. Subramaniam said that one day the car was brought to him, and that he had a ride in it and he said that the car was in a very good condition. He said, 'I will give you the licence. Go ahead with the project'. He gave a statement saying that this car was completely indigenous, but what proof is there? Was the Minister watching what he was doing?

Before I conclude—I do not want to take much of your time.

AN HON. MEMBER: Please conclude.

SHRI MOHANRAJ KALINGARAYAR

Before I conclude, the motion against these three Ministers should be sent to a committee consisting of members of Parliament. I think this is serious issue and we should go through it in a proper way and give guidance to our country and also to save democracy in this country.

MR. SPEAKER: Shri Vidya Charan Shukla.

SHRI MADHU LIMAYE: On a point of order.

MR. SPEAKER: I have called the Minister.

श्री मधु लिमये : अध्यक्ष महोदय, आप बेरस नहीं थे, आपकी गैर-हाजिरी में

इस प्रश्न का निर्णय नहीं हो पाया। मैं इनको बीच में टोकना नहीं चाहता...

अध्यक्ष महोदय : इस वक्त नहीं।

श्री मधु लिमये : इस बहस को आगे चलाना चाहते हैं तो जो मुद्दा मैं उपस्थित कर रहा हूँ, उस पर निर्णय करना होगा। आप उस समय नहीं थे, इसलिये उसके बारे में नहीं जानते हैं।

MR. SPEAKER: I have called him. I cannot ask him to sit down.

श्री मधु लिमये : मैं व्यवस्था का प्रश्न उठा रहा हूँ, क्या आप उसको नहीं सुनेंगे।

अध्यक्ष महोदय : किस बात को सुनूँ।

श्री मधु लिमये : जो बहस चल रही है, उसपर मैंने उठाया है।

MR. SPEAKER: The Minister has already been called.

श्री मधु लिमये : क्या मेरे व्यवस्था के के सवाल का मंत्री साहब जवाब देंगे। आप उसपर निर्णय दीजिये। अभी सुरक्षा मंत्री बहस का जवाब देंगे—उसके बारे में मेरा प्वाइन्ट आफ आर्डर है।

MR. SPEAKER: I see from the List that you have already spoken.

श्री मधु लिमये : अध्यक्ष महोदय, मैं बोलने के लिए खड़ा नहीं हूँ।

अध्यक्ष महोदय : आपने जो कहना था वह कह लिया, अब क्यों खड़े हैं।

श्री मधु लिमये : मेरा प्वाइन्ट आफ आर्डर है, मैं कोई भाषण नहीं देना चाहता हूँ। (व्यवधान)। यहाँ पर यह क्या चलता है, मेरी समझ में नहीं आता। मैं कह रहा हूँ मैं भाषण नहीं कर रहा हूँ, मेरा प्वाइन्ट आफ आर्डर है।

अध्यक्ष महोदय : प्वाइन्ट आफ आर्डर है तो कहिये।

श्री मधु लिमये : आप यहाँ पर नहीं थे इसलिये दोबारा कहना पड़ रहा है।

अध्यक्ष महोदय बहुत सीधा-सादा सवाल है, कि श्री श्यामनन्दन मिश्र जी के द्वारा एक गुप्त दस्तावेज, शायद आपकी इजाजत से, सदन की मेज पर रखा गया है और उसके बारे में श्री जगजीवन राम जी ने जो पत्र एक संसद-सदस्य को लिखा है उसमें वे लिखते हैं :—

"I would like to point out that Shri Mishraji's copy is different from the original and is available on the official records. There are material differences between the original and this copy."

अब यह बहस दस्तावेज पर आधारित है। तो मैं इस पर आपका निर्णय चाहता हूँ।

SHRI SHYAMNANDAN MISHRA : I have the letter to Shri Tyagi and I would point out later how there has been tampering. I shall produce that letter.

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM) : When the Deputy-Speaker was in the Chair, this matter was raised, and he said that he would look into it.

MR. SPEAKER : The hon. Member suddenly pops up and raises a point of order and then asks the hon. Minister to reply to it suddenly on the spot. When the Deputy-Speaker had already given his ruling on it, why does he ask me again to give my ruling on it? The Deputy-Speaker has already said that he would look into it. What is the matter then?

श्री मधु लिमये : उन्होंने अस्वीकार नहीं किया है।

MR. SPEAKER : If he suddenly comes forward with something and asks the hon. Minister to come out with a reply then and there, it is impossible. Now, the hon. Minister.

श्री मधु लिमये : कब होगा, इसका जबाब होने के बाद ?

मन्त्री महोदय के उत्तर और श्री श्याम नन्दन मिश्र जी के उत्तर के पहले यह दस्तावेज सदन की जानकारी के लिए और जांच पड़ताल के लिए आय, इसके

अतिरिक्त मैं और कौन-सी बात कह रहा हूँ। (ब्यवधान) तो क्या इस पत्र की कापी आप रखेंगे ? फिर बहस कैसे होगी।

श्री शंकरदयाल सिंह : पहले आप मंत्री जी को मुन लीजिए, उसके बाद मामला उठाइये।

अध्यक्ष महोदय : आप दोनों एक वक्त क्यों खड़े हो जाते हैं।

Shri Vidya Charan Shukla.

THE MINISTER OF STATE (DEFENCE PRODUCTION) IN THE MINISTRY OF DEFENCE (SHRI VIDYA CHARAN SHUKLA) : My work has been lightened considerably because of the intervention made by the hon. Minister of Law and Justice, Shri H. R. Gokhale and Shri C. Subramaniam, the Minister of Industrial Development. Therefore, I do not wish to go into the points of law that Shri Shyamnandan Mishra had raised regarding this particular point.

I would only briefly trace how this matter came before the House, and I shall also refer to the letter that the hon. Member had written and about which he made a complaint that the reply to it was not sent to him in good time.

SHRI SHYAMNANDAN MISHRA : It had taken six months.

SHRI VIDYA CHARAN SHUKLA : This matter was raised in a debate on 22nd December last year on the question of manufacture of cars. During this debate, some allegations were made about alleged irregularities in land acquisition and alleged violation of Ministry of Defence's orders. The Minister of Industrial Development who was dealing with the debate while replying to the debate said that no irregularities had been committed, and they had not come to his notice and in case any irregularities had been committed, if those irregularities were brought to his notice with proper documentation, he shall certainly look into the matter. At this point, Shri Shyamnandan Mishra interjected and asked 'What about the defence depot and what about the defence land near Gurgaon depot?'. At that time, I got up and

[Shri Vidya Charan Shukla] made a statement. He had asked: "Is that not being shifted?" I said 'Nothing is to be taken away'. These are the words I used, and then I added 'There is no objection from them'.

On this basis, a motion was brought before the House and you directed me to make a statement. When I made the statement, I clearly stated what I meant by saying all this because I had spoken only two short sentences. In the statement, I went extensively over the whole matter. I stated there was no shifting of defence installations and we have again confirmed it. When reading out from the *Motherland*, Shri Mishra again raised the question and said defence installations are being shifted. We have again emphatically denied it.

SHRI SHYAMNANDAN MISHRA : It is in another context.

SHRI VIDYA CHARAN SHUKLA : No question of shifting of any defence installations which at present exist there.

At that time, I also said we are not going to shift anything and there is no objection from them to continue there. This is what I said in my main statement. Now this statement has been twisted to get all kinds of meaning out of it, even though it was a very clear and straightforward statement I had made.

After this, many legal questions have been raised. But I will straightway go to the main question Shri Mishra has been agitating. As far as I have been able to understand him, his main case or argument is based on the point that the army ammunition depot of 1962 and the air force ammunition depot of today are not separate, are one and the same thing in the same continuation.

SHRI SHYAMNANDAN MISHRA : No, no; joint sharing by both.

SHRI VIDYA CHARAN SHUKLA : That is a separate question altogether. He has been maintaining that there has been a continuity in the entire thing and there has been no break in this. This is the crux of his argument. My main reply in this debate is going to disprove this theory of his that there has been any continuity in the two ammunition depots.

It has been stated that this army ammunition depot was shifted out of Gurgaon in 1966, and after such shifting, MES took over the installation and then after a few months, the air force storage space, ASP 54, was established there, and that is the present installation. When this ASP 54 was established there, no question of issuing a fresh notification arose because we presumed that the 1962 notification was still valid at that time. But in 1968, when part of this area in command of this particular depot was derequisitioned and was handed over to certain private parties after derequisitioning, as the Law Minister stated, the topography and the entire geography of the area changed and, therefore, according to the law, another map to scale had to be prepared and other consequential action laid down in the law had to be followed. Therefore, it was decided to issue another notification.

Here Shri Mishra has produced a letter purporting to be from the Commander of the Air Force Station. I am really greatly surprised that a responsible member like Shri Mishra should do a thing like this, in playing a kind of trick that we are not accustomed to. Here I want to read out the differences between the letter in our official records and the letter produced by him before you purporting to be a true copy of the letter which is in the official file. First, I will read the differences or alterations that have been made by Shri Mishra in the letter before that letter had been sent to you. We have already sent all the documents to you. Therefore, I will only bring here the material differences that were made in the official document by Shri Mishra before it was put before the House and you. I will also quote what he said while he was presenting them. He had said that "I am prepared to authenticate this letter and I am prepared to stand by that letter." Here, I am alleging with a full sense of responsibility, that not only did he mutilate that letter but he deliberately omitted, removed several things—(Interruptions)

SHRI SHYAMNANDAN MISHRA : You are tampering with the records. That is what I have told the House in the beginning. You are tampering with the records. I made that allegation right in the

beginning, that you are tampering with the records. I stand by what I said. I will go before the Privileges Committee; or let a Committee be appointed. No Minister can be allowed to make such an allegation. I am prepared to go before the Privileges Committee, or you please expunge his remark. (*Interruption*)

SHRI VIDYA CHARAN SHUKLA : Please listen to others also. I want to submit to you, Sir—

SHRI P. M. MEHTA (Bhavnagar) : Sir, a point of order. The hon. Minister is referring to a document which is not made available to the House for comparison. Therefore, there is a controversy now as to which document is correct. Therefore, first, the document should be laid on the Table, and then, let the House go through the debate.

MR. SPEAKER : Let the Minister reply. You lay it on the Table of the House.

SHRI VIDYA CHARAN SHUKLA : Here, I want to point out to you the difficulties, and I would request the hon. Members, Mr. Mishra, and Mr. Jyotirmoy Bosu, to be a little patient even though it might hurt them. (*Interruptions*) I did not interrupt you when you were speaking. I listened to you absolutely peacefully and patiently. Therefore, I expect the same conduct from you. You will have your chance to reply to this debate. You can say whatever you wish to say later on, subject to permission being given to you by the Speaker.

SHRI JYOTIRMOY BOSU : Sir, what about laying it on the Table ?

MR. SPEAKER : I have asked him to lay it on the Table.

SHRI VIDYA CHARAN SHUKLA : Everything will be laid on the Table of the House. There would be no difficulty in that.

SHRI P. M. MEHTA : You have asked Mr. Mishra to lay the document on the Table. In the same way, please ask the Minister to lay it on the Table of the House.

SHRI VIDYA CHARAN SHUKLA : Whatever the Speaker directs, I shall lay it on the Table.

MR. SPEAKER : I am told that Mr. Mishra has not yet laid it on the Table. When he lays it, you will also lay it on the Table.

SHRI VIDYA CHARAN SHUKLA : I want to mention here the portions that have been eliminated or that have been removed or that have been distorted from the original letter by Mr. Mishra before bringing it before you; we have got the letter under the signature of Mr. P. K. Patnaik, Joint Secretary in the Lok Sabha Secretariat. I am going to read out that letter before you and I wish to point out before you the discrepancy in the letter.

The first thing is this; in the letter that has been given to you by Mr. Mishra here—I have got a copy from the Lok Sabha Secretariat with me—he has eliminated the word "Secret" first. Then, he has eliminated the word—(*Interruptions*)

Today you have given; but that day you did not. Today you read out; even today you have tried to hide several other things that are presented in the original letter.

MR. SPEAKER : Will you lay this letter today ?

SHRI SHYAMNANDAN MISHRA : After I have used it.

SHRI VIDYA CHARAN SHUKLA : Mr. Mishra has eliminated again the words "No. 54 ASP". I will come to the significance of these words later on how by eliminating them he is trying to buttress his case, that it is the same Air Force depot same Army depot which is continuing in the name of the Air Force. That is why he has eliminated all these awkward things in that letter which went against him: "No. 54 ASP C/o 56 APO." He eliminated: Today he was forced to read this. He read it. In the letter that Mr. Mishra has sent to you, the heading is given as: "acquisition of land—ammunition depot—Gurgaon" In our records, it is mentioned, that is the heading, as follows: "acquisition of land—No. 54 ASP" Mr. Mishra deliberately omitted "No. 54 ASP". The third instance of mutilation of this official document in the hands of Mr. Mishra is as follows. In para 1 of Mr.

[Shri Vidya Charan Shukla]

Mishra copy, the date of the Air Headquarters' letter is given as 17th April, 1968". In the original letter which is with us, the letter is dated 17th April, 1966. Mr. Mishra in his wisdom has advanced the date of this letter by two years.

SHRI SHYAMNANDAN MISHRA : It is a typographical error

SHRI VIDYA CHARAN SHUKLA : These are matters of record. It will prove the truth. You will have an opportunity of going through all these records again. Let me make the entire matter clear. In line 2 para 2 : Mr. Mishra's copy has stated "State has acquired certain lands around this depot". In the original letter in the records of the Defence Ministry the words "This depot" do not exist, in the place of "this depot" what is written is "No 54 ASP". Again Mr Mishra has omitted this uncomfortable reference to No. 54 ASP and put 'this depot' 'This depot' can mean Army or Air Force depot. He has been sedulously eliminating the description of "54 ASP" and substituting it by the expression "this depot". Again another instance of forgery, if I may say so, in Mr. Mishra's copy...
(Interruptions)

SHRI JYOTIRMOY BOSU : On a point or order. This should be expunged...
(Interruptions)

18.00 Hrs.

SHRI VIDYA CHARAN SHUKLA : The next instance is that in this letter which has been produced before the House, in Shri Mishra's copy which has been given to you, the last sentence of para 2 is completely omitted while it is there in the original. This sentence reads as follows :—

"A copy of this Notification is enclosed for your ready reference".

This is also not in Shri Mishra's letter which has been put before this honourable House. Next instance is that in line 5 of para 3, in Shri Mishra's copy, the words "copy enclosed" are missing which are existing in the original. Again, the next instance, after elimination of the uncomfortable sentence from the letter that has been produced before the House on which he has based his entire case is that in the concluding para, whereas in the original it

has been described as 'Squadron Leader', in Shri Mishra's copy it reads as 'Commanding Officer'. I will now come to the significance of this omission. I wish to emphasise before this honourable House that these changes in Shri Mishra's copy are not without significance.

SHRI B. P. MAURYA : A serious offence has been committed by the hon. Member of this House.

SHRI VIDYA CHARAN SHUKLA : Whereas the original letter referred to the 'Air Force Unit' as 'No. 54, A.S.P.' Shri Mishra changes it to the 'Ammunition Depot, Gurgaon'. He changed 'Squadron Leader' to 'Commanding Officer'. This would also indicate that when it was referred to in this letter as 'Ammunition Depot', they had actually referred to No. 54 A.S.P. unit of the Air Force. And this was what he had in mind. In my opinion, when he changed the designation of the Officer who really signed this letter, it was with the help of these changes that he sought to establish that the Ammunition Depot which was the subject of the 1962 Declaration continued to exist at the site in question. But for these changes in the copy of the letter produced by Shri Mishra, the letter would refer to the Air Force Unit No. 54, A.S.P. which is the subject of the 1969 declaration. And as I explained earlier, it is an entirely different installation from the army ammunition depot which was disbanded in 1966. That is how the hon. Member and the other colleagues have tried to build up an absolutely false case over an official document with the changes and they had tenacity to bring it before the House in this forged condition. As I was referring, at the time when he spoke on the 23rd February, Shri Mishra referred to this document as follows I quote :

"This document which is in my possession I am prepared to authenticate and I place it on the Table of the House"

This is what Shri Mishra has said about this particular letter.

If you ask me, I shall read out that letter which was sent to you by Shri Mishra along with his notice of a privilege motion. The original letter has already been sent to you. Instead of taking the time of the

House, I would request you to go through the letter that was sent by Shri Mishra and the receipted document sent to you by us.

The question that is to be decided is whether such things can be permitted in this House where a case is sought to be built completely on false premises and over this all kinds of pious wishes have been expressed. This is the main thing I wanted to bring to your kind notice and the notice of the House.

I would like to state in brief that the 1962 ammunition depot which belonged to the Army was disbanded in 1966 and a new ASP 54 belonging to the Air Force was established. Therefore, there was no connection between the two and the notification which was issued, for the reasons that have been explained by the Law Minister, was inoperative. Therefore, there was no question of infringement. All other cases that have been built up by various speakers are completely unfounded. I want to deny all these insinuations that have been made by the members opposite that all this has been done to benefit a private individual and no action has been taken because that individual happened to be highly connected. It is completely wrong. There is nothing like that. We have taken action to investigate into the matter as to how these lapses occurred and the Defence Minister has already written to one of the Members of Parliament, Shri Mahavir Tyagi—it has been quoted also—that he is personally looking into this matter and is trying to find out how this took place. We will also take corrective action whenever and wherever necessary. Therefore, I deny the imputations that have been made.

An allegation was made about the Defence Ministry that we are trying to persecute this Commanding Officer for having divulged the information. This is absolutely false and mischievous. The irresponsibility of some of the leaders of the opposition knows no bounds. Indeed they have even tried to drag the Chief of Air Staff into the controversy. They have alleged, completely falsely and absolutely without basis that he has been brought in to white-wash this fact. This is absurd and completely irresponsible. Such people who are serving the country with the highest

integrity and loyalty should not be dragged into such dirty politics. Such irresponsible remarks should not be made over such officers.

Mr. Jyotirmov Bosu was concerned about the defence of Greater Delhi. May I assure him that the defence of Greater Delhi is absolutely safe in our hands and he need not bother about it?

Another imputation was made that some technicians trained in HAL have been brought to work in Maruti Ltd. This has already been denied officially in this House. Since they have repeated it, I wish to deny it again.

Lastly, the integrity of these gentlemen sitting opposite—if they can be called gentlemen—should be looked into by you, Shri. If they can bring such false documents, you should take a serious note of the matter and look into their conduct. For meeting their narrow political ends and to defame the leadership of the ruling party, they can stoop to any low depth and adopt any method to achieve their aims. Therefore, this particular matter will have to be investigated by you and I hope you will look into these matters which I have brought to your notice.

MR. SPEAKER: Shri Mishra.

SHRI R. S. PANDEY: Sir, let him first explain the forgery. The paper was forged and fabricated. Some cheap tactics and tricks were indulged in.

SHRI PILOO MODY: Now Maruti is white-washed.

SHRI SHYAMNANDAN MISHRA: Sir, I have told you in the beginning that some tampering was done with some official documents. Why did I mention that? Now I am giving you proof how it is so... (Interruptions)

MR. SPEAKER: Order, order. Unless you all sit down, he will not speak.

SHRI SHYAMNANDAN MISHRA: Sir, now I have been proved right and here are the proofs.

श्री बी० पी० शर्मा: मिश्र जी घबरा गये हैं।

श्री श्यामनन्दन मिश्र: घबराना तो आपको होगा। प्राइम मिनिस्टर को चुल्लू

[श्री श्यामनन्दन मिश्र]

भर पानी में डूब मर जाना चाहिए ।

(व्यवधान)

MR. SPEAKER :: It is not in good taste.

SHRI C. M. STEPHEN : Sir, this House has no respect for him absolutely. After having committed forgery... (Interruptions)

MR. SPEAKER : The language used by him was not in good taste. I appeal to both sides not to use such language... (Interruptions)

श्री बी० पी० मोर्य : अध्यक्ष महोदय, श्री मिश्र ने जो शब्द कहे हैं, वह उनको वापिस लें और माफी मांगें । उन्होंने बहुत गिरे हुए और गन्दे शब्द कहे हैं । आप उनसे अपने शब्द वापिस लेने और माफी मांगने के लिए कहें । (व्यवधान) ।

MR. SPEAKER : How can I maintain order when he uses such language ?

SHRI SHYAMNANDAN MISHRA : There is nothing unparliamentary about it. We also know parliamentary practice.

MR. SPEAKER : Don't irritate each other; don't annoy each other. (Interruptions)

SHRI SHYAMNANDAN MISHRA : You call the House to order first.

MR. SPEAKER : If you will not use moderate language, naturally, there is bound to be disorder. (Interruptions)

श्री बी० पी० मोर्य : अध्यक्ष महोदय, श्री मिश्र ने कहा है कि प्रधान मंत्री को चुल्लू भर पानी में मर जाना चाहिए । वह सदन की नेता हैं । माननीय सदस्य अपने शब्द वापिस लें, वरना हम उनको बोलने नहीं देंगे । आप हमें उस के लिए सजा दे सकते हैं । चुल्लू भर पानी में उनको डूब मर जाना चाहिए, जो जालसाजी करते हैं ।

(व्यवधान)

MR. SPEAKER : I am asking Mr. Mishra to continue. He is not getting up, If Mr. Mishra wants to speak, he can get up. Otherwise, I will put this Motion to the vote of the House.

SHRI SHYAMNANDAN MISHRA : You restore the order in the House first. (Interruptions)

MR. SPEAKER : He used a language which was annoying and irritating. But it is not unparliamentary. It was irritating and annoying but it is not unparliamentary.

SHRI SHYAMNANDAN MISHRA : Sir, here is a proof that the Minister has tampered with that letter and the proof is conclusive. I have given you the letter in a form which I thought advisable, not giving "Secret" at the top and so on. That was in the month of February. What did the Minister say in his reply? There was ample opportunity available to the Minister to contradict that, "it does not tally with the original that I have on my file". What did he say when he participated in the debate? Therefore, I say it is *ex post facto* a second thought given and this is now as a result of the tampering with the document that I have produced. Here are his words. Do those words indicate that there is any difference between the letter which I have produced and the letter which he has on his file? Here it is :

"The letter dated 11th March, 1971 of the Officer Commanding, Airforce Unit, now produced by Shri S. N. Mishra does not pertain to the declaration of 11-1-69. It refers to the restrictions imposed under the Indian Works of Defence Act, ..."

He does not say that this date is wrong. The date given is 11-1-69. I stick to the date. This is the date which is also confirmed by Shri Jagjivan Ram, the Defence Minister of India in his reply to the letter of Shri Jyotirmov Bosu. The date was not contradicted earlier; the date was confirmed. The letter was not contradicted earlier; the letter was confirmed. That was confirmed not only by the Minister of Defence Production in his reply when he participated in the debate on the 1st March but also by the letter of the Defence Minister, Shri Jagjivan Ram, in his reply to the letter of Shri Jyotirmov Bosu. There had been ample opportunities. It was not required that the Minister should contradict that letter only when one Mr. Mahavir Tyagi writes a letter to him. It should have been contradicted by him earlier also. This

is the most crucial document to determine the case in this matter...

SHRI JAGJIVAN RAM: On a question of fact. In my reply to him I have pointed out the discrepancy between the letter submitted by him and the original letter.

SHRI SHYAMNANDAN MISHRA: The point is that the document produced by me was confirmed by them earlier and here I have read...

MR. SPEAKER: He has already said something.

SHRI SHYAMNANDAN MISHRA: Is the Speaker participating in the debate?

अध्यक्ष महोदय: मेरे पास तो जो आप का लैटर है मैं उस की बात कर रहा हूँ... (व्यवधान) ...आपको तो लगता है कि सब कुछ आपके खिलाफ है, मैं तो अपनी बात कर रहा हूँ कि जो मेरे पास है वह यह है।

SHRI SHYAMNANDAN MISHRA: जरा धैर्य से काम लीजिए।

I have told you that this is what the Minister of Defence Production himself said on the 1st of March, and he has not said anything contradicting the document which I had produced. And Shri Jagjivan Ram also, in his letter to Shri Jyotirmoy Bosu, has referred to that. He has said:

"Kindly refer to your letters No. 53/1973 and No. 63/1973 regarding the action taken on the letter dated 11-3-1971 from the Officer Commanding, 54 ASP."

Now he contradicts that there was no Officer Commanding. But the letter of Shri Jagjivan Ram repeated 'Officer Commanding'. So, the contradiction does not hold good. Even with regard to date, it was confirmed. Earlier in his statement, he has confirmed; Shri Jagjivan Ram, in his letter, has confirmed. Shri Jagjivan Ram has also confirmed that his designation was Officer Commanding. He has not said that it was Squadron Leader. These are the two documents that I would produce to show that this is an afterthought and, therefore, there would have been tampering. Other-
(Interruptions) wise, would you not ask the Minister what he had been doing for the last three months? If that document was palpably

in contradiction with the document that exists on your file, you should have come before the House and you should have put me in the dock.

Now I come to another point. Some contradictions have been pointed out between the two letters. May I say that there are no material contradictions even in the way in which they have tried to manipulate the letter? There are no basic contradictions. What is the basic contradiction? About the date, I have already told you. Then, the point is that the Officer Commanding had said that it would constitute a risk to the Explosives Depot and the Air Field. That is the kernel of the whole letter. Where is the material difference? He has not contradicted that the Commanding Officer did say that there was a risk to the security of the Explosives depot and Air Force field. Now, Mr. Speaker, he has tried to say that I have substituted in places where 54 ASP occurs, the word 'Depot'. Can anybody in the world suggest that Shyamnandan Mishra has got that much of knowledge about the situation there that he can substitute one word for the other and so on? Also, they don't know what is the mistake they are committing and how they are misleading the House? The declaration of 1969 speaks of the Air Force unit at 54 ASP. That does not speak of the Air Force unit 54 ASP. That is completely wrong. So far as the unit at 54 ASP is concerned that will require at least some amount of intelligence to understand what the difference is. And here, Mr. Shukla himself has been repeating the word 'depot' in the note he has sent to you and forwarded to me and also in his speech he has been using the word 'depot' all the time—'Air Force depot'. Here are the words used by Mr. Shukla even in his statement on the first of March—he has used the word 'Air Force Depot'. He has never used the word '54 ASP', at no point of time did he use the word '54 ASP'. (Interruptions). Just understand all this. I will go in my own way. So this '54 ASP' also seems to be a belated interpolation. He had never used that word earlier.

Then my submission is that the substance of the remarks of the Commanding Officer is not contradicted—that it would constitute a great risk to the security of the Air Force

[Shri Shyamnandan Mishra]

letter stands completely intact. They have not the courage to substitute for 'explosives depot', '54 ASP'. Here, the word 'depot' could not be erased. The words that occur are 'explosive depot and 'explosives depot' means the ammunition depot. What else does it mean? There, they have not been able to erase that. There, they have not been able to replace it by '54 ASP'. So, I ask you as to where is the difference between the two letters.

The difference that is sought to be made out is that I did not earlier show which Squadron Leader has said that. I did not. At that point of time nobody could have given you a document saying that it is secret and all that right on the top. In the main body I have not changed anything at all.

The thing I gave you today—I stand by every word that occurs there and if the document I have produced is to be proved wrong, let it be decided by the Privileges Committee. I will go before the Privileges Committee. Even earlier I had made this offer that if I am to be proved wrong, I am prepared to go before the Privileges Committee. That is on record. That I have said earlier. But if these people think that they are right and I am wrong, that I am misinterpreting things and that I am quoting a document that is not correct and so on, then my case should be referred to the Privileges Committee... (Interruptions)

The point I ask you in all humility is whether the Chair should approve of the word 'forgery' I ask: who has forged now? I will not use that word. I have said advisedly that there is a 'tampering' with the records. I have used that word; I have never used any word which may be considered to be unparliamentary. Now, the Minister with a great gusto, flair and gumption and with the approval of the Chair, was using that word 'forgery' and the Chair was not ...

MR. SPEAKER: 'Forgery' is unparliamentary? Or what is it?

SHRI SHYAMNANDAN MISHRA: Yes, unparliamentary, if it relates to a Member. (Interruptions)

Would you allow it to be used against you, Mr. Speaker?

MR. SPEAKER: If it is thought to be unparliamentary, I shall see to it, but I do not think that it is unparliamentary.

SHRI PILOO MODY: We do not have fragile skins.

SHRI JYOTIRMOY BOSU: It is defamatory and under the particular provision of the rules, that should be expunged.

SHRI PILOO MODY: Forgers can be Members of Parliament? Is that the correct interpretation?

MR. SPEAKER: In what sense did the hon. Minister use it?

SOME HON. MEMBERS: It is on record already.

SHRI VIDYA CHARAN SHUKLA: It was obvious when I was saying this, that I was referring to the changes that were made in the secret document of the Defence Ministry by the hon. Member. I used this word to describe the tampering that he had done with the secret document.

SHRI R. S. PANDEY: Please give your ruling on this.

MR. SPEAKER: In my opinion, I think—if I am wrong, I am prepared to own it—...

SHRI PILOO MODY: You better tamper with the parliamentary records also tonight before the morning debate comes out.

MR. SPEAKER: He had used it in the case of a document. But it is still a document which was produced by a Member; ultimately it is attributable to the Member. The proper words should have been 'tampering with', and I agree with Shri Shyamnandan Mishra that it should not have been used had is, he word 'forgery' in relation to a Member.

SHRI B. P. MAURYA: He had used the words 'forged document'.

MR. SPEAKER: No, no ... If he had said it in the case of a document, it is all right, but if it is ultimately referable to a Member, then I think that this is not a proper word. The proper words should have been 'tampering with'. He is right there, and I agree with him.

SHRI SHYAMNANDAN MISHRA : I have been using these words...

SHRI H. N. MUKERJEE : He should withdraw that expression.

MR. SPEAKER : The word 'forgery' is in my opinion, when referred to in the case of a Member, unparliamentary.

Shri H. N. MUKHERJEE : He should withdraw the expression.

MR. SPEAKER : In respect of a document it is all right, but if it is directly connected with the Member, then I am sorry that it is not parliamentary.

SHRI VIDYA CHARAN SHUKLA : May I make a submission? I have used this word in relation to a document.

SHRI K. S. CHAVDA : It is there on record already.

SHRI VIDYA CHARAN SHUKLA : I was describing to the House and to you, Sir, the changes that were made deliberately by the hon. Member, knowing what was there, and this sort of tampering with that, I have described as forgery, because in legal parlance, any changes made when Shri Shyamnandan Mishra was offering to authenticate that letter which was originally sent to you, saying 'I am prepared to authenticate it as a true copy of that particular secret document of the Defence Ministry and put it before the House', would tantamount to that; I am trying to prove from my own records, that is, from the Defence Ministry's record that if there are material changes which have been made by the hon. Member deliberately, in legal parlance, I would say that such tampering is described as forgery. Even if one word, a comma or a fullstop is changed which makes a material change in the entire nature of the document, then it is tantamount to forgery. Forgery does not mean stamping something and putting in new lines or new words or eliminating a few words but something which can change the entire meaning of the document. Therefore, in relation to the document, when I said 'forgery', it was definitely intended to mean tampering with the document which in legal parlance is described an forgery. (*Interruptions*)

MR. SPEAKER : I am not going to allow any debate on this. I feel...

SHRI JYOTIRMOY BOSU : He should withdraw it.

MR. SPEAKER : He is already saying it that he is withdrawing it. He says it. But let it be clear that in the case of a document it is all right. But in case it connects a Member with it, I think it is not proper, I accept this suggestion that it should be declared unparliamentary which he has already withdrawn.

SHRI PILOO MODY : Kindly see that the records of Parliament are not tampered with.

SHRI H. N. MUKERJEE : Shri Mishra has made an offer that if anything is shown to be proved that he has done a forgery, as he chooses to call it—even now he is continuing to adhere to that expression—he has offered to appear before the Privileges Committee. If Government had the guts, they could get him across to some other court. Otherwise, to have this kind of thing on the record is absolutely reprehensible. You must have him either withdraw it or do something about it. You must protect Members. (*Interruptions*).

MR. SPEAKER : I am sorry. I also feel that in case it refers to a member, it should not have come. It is not parliamentary. You can say it in reference to documents and all that.

So it comes to the same. I must say that Shri Mishra is right in that. I am very sorry for that.

SHRI H. N. MUKERJEE : What happens to the matter of fact? Who has forged what?

श्री राम सहाय पाण्डे : अध्यक्ष जी, आप के पास जो डाक्यूमेंट श्री मिश्र जी ने भेजा है, उसमें सीक्रेट शब्द लिखा है, क्या? अभी मिश्रा जी ने अपने भाषण में यह कहा कि जो डाक्यूमेंट उन को मिला, उसके ऊपर सीक्रेट लिखा हुआ था और वह डाक्यूमेंट जो आप के पास भेजा है, उसी में सीक्रेट निकाल दिया है—इसको आप क्या कहेंगे

श्री श्यामनन्दन मिश्र : हम किस स्टेज पर देंगे, क्या देंगे, यह हम देखेंगे.... (व्यवधान)

SHRI R. S. PANDEY : If there is any change in the document, if it was tampered with, what is the position ?

Shri C. M. STEPHEN : This is a position which is very difficult to understand.

SHRI R. S. PANDEY : My direct charge is that** if he has removed 'Secret' from the letter which was produced before you.

MR. SPEAKER : Why don't you listen to me ?

SHRI JYOTIRMOY BOSU : On a point of order. Did you hear what he said ? Shri Pandey has said that** this kind of uncivilised utterance in this House is too much.

SHRI R. S. PANDEY : I want the ruling of the Speaker.

MR. SPEAKER : Do not do it. Let me finish.

SHRI K. S. CHAVDA : It should be expunged.

MR. SPEAKER : That is expunged.

Mr. Mishra, in this copy which you gave to me and which you produced, this letter along with it, nowhere is it mentioned that it is an attested copy or anything like that.

SHRI SHYAMNANDAN MISHRA : No.

MR. SPEAKER : It is with me, the same copy.

SHRI SHYAMNANDAN MISHRA : Today I have read out the whole thing. I am going to authenticate that which I read out this morning.

SHRI VIDYA CHARAN SHUKLA : He has not read the whole thing.

MR. SPEAKER : What about the document which you gave to me ?

SHRI SHYAMNANDAN MISHRA : That was at the stage when you must know the kernel of the thing. Otherwise, if I got it from any source as a secret document... (Interruptions)

MR. SPEAKER : It is still worse. (Interruptions)

What are you doing ? Kindly sit down.

This letter which is with me, which you gave to me is signed with a forwarding letter by you, and this one is separately given. In this, you have not attested it

with your own signature. Now you say it is just a kernel of the letter.

SHRI SHYAMNANDAN MISHRA : I could have given the full which I have given you today also.

MR. SPEAKER : How then does it compare with the letter which you said you have sent to me ?

SHRI SHYAMNANDAN MISHRA : That is different.

MR. SPEAKER : I hope you will make it clear...

SHRI SHYAMNANDAN MISHRA : Where does it carry us ?

MR. SPEAKER : For me it was only a letter for reference which you said was just a kernel, and the real thing is what you say you have mentioned today.

SHRI SHYAMNANDAN MISHRA : Today I am authenticating it.

MR. SPEAKER : I am really surprised. Everything is confusing.

What about this which you gave to me for my reading and reference ? I took it as the letter which you handed to me for my reference. Now you say it is just a summary, a kernel. (Interruptions)

Let me finish.

SHRI R. S. PANDEY : You give your ruling.

MR. SPEAKER : No ruling.

SHRI JYOTIRMOY BOSU : Why are they taking shelter under small technicalities ?

MR. SPEAKER : No, these are not small technicalities.

श्री जोगेन्द्र झा : अध्यक्ष महोदय, एक सब-मिशन है। दोनों खतों में शब्दों की भिन्नता की बात अलग है लेकिन जो कन्टेन्ट्स कहे गए हैं, उनका मतलब तो वही होता है...

अध्यक्ष महोदय : अरे क्या होता है, वह कहते हैं असली नहीं है। (व्यवधान)

श्री जोगेन्द्र झा : ऐसी हालत में बहस पूरी हो जाय लेकिन सदन से राय लेना इस पर, यह मुनासिब नहीं होना जब तक

कि पत्रों के तथ्य के बारे में आप खुद जांच न कर लें या प्रिविलेज कमेटी को न दें ।

MR. SPEAKER: Order, please. Both sides are putting up their case. It is for the House to decide. Please sit down now.

SHRI SHYAMNANDAN MISHRA: So, I was submitting that the letter, the summary of it you might say because it is "secret" and so on I could not produce it earlier, because I have my own way of going about it. ... (Interruptions) But I have told you that I am going to authenticate it, and I am going to place it on the Table of the House. I stick to it.

Then the position is this. Let the House bear it in mind that that letter in the material sense is not different from the letter which he is also quoting, because the operative part of it remains intact and there the word used is "explosives depot". May I say that since Mr. Shukla or Mr. Gokhale or Mr. Jagjivan Ram has not contradicted the earlier letter which I have produced and they did not show the differences, contrast between the two letters—

अध्यक्ष महोदय: आप मानते ही नहीं हैं और मुझ से कह रहे हैं

श्री श्यामनन्दन मिश्र: आप देखें जो स्टेट-मेंट दिया हाउस में (व्यवधान)

अध्यक्ष महोदय: असली लैटर तो जो आज आपने पढ़ा है वह बतला रहे हैं।

श्री श्यामनन्दन मिश्र: उसको कहाँ कंटाइक्ट किया है? आप जरा सुनिये तो शांति से।

अध्यक्ष महोदय: मैं शांति से सुन रहा हूँ।

श्री श्यामनन्दन मिश्र: अगर इस लैटर और उनके लैटर में कन्ट्रास्ट था जो मैंने आपको दिया था तो फर्स्ट मार्च को जब उन्होंने यहाँ पर वक्तव्य दिया—

MR. SPEAKER: I hope you would not mind my interruption. You say this is not the full letter.

SHRI SHYAMNANDAN MISHRA: You please do not plead on his behalf.

MR. SPEAKER: No, No, I do not do that.

आप तो कहते हैं पूरा लैटर ही नहीं दिया, वह तो समरी थी।

SHRI SHYAMNANDAN MISHRA: All the more if it is a truncated letter, if it is a fabricated letter, then on the 1st March itself he should have come forward with the contrast between the two. That he did not do. Then, on the 27th March, when Mr. Gokhale came, he also gave the legal argument in support of the Government stand, and that was—(Interruptions)

MR. SPEAKER: I am so sorry. There are many things concerning our office—we receive these letters addressed to me. He says this is the first one, and you say, you made it clear in the second letter. He says that the Ministry had made that clear on the 4th April. They say this is not the same letter.

SHRI SHYAMNANDAN MISHRA: What is the letter of the 4th April? I am not able to understand.

MR. SPEAKER: You can see that.

SHRI SHYAMNANDAN MISHRA: I can see. I am referring to the letter of the 11th March. (Interruptions)

MR. SPEAKER: Let the matter be understood very clearly.

SHRI SHYAMNANDAN MISHRA: A copy of the letter in the form in which it was submitted to you was made available to him in February. He came out with the statement on the 1st March; Mr. Gokhale came with his legal arguments on the 7th March; Mr. Jagjivan Ram in his reply told Shri Jyotirmoy Basu on the 29th March. On all these occasions, no contrast was pointed out in the letter which I had submitted and, therefore, my case is that they are now tampering with the records. That is because this letter is the crucial document. And do you think that the Government would have shut its eyes to the original document and not compared it with the letter which I had submitted? If the Government had got this letter in original on its file the first thing that they would have done when I presented this letter, was to have compared it with the letter I produced.

SHRI C. M. STEPHEN: He read that letter in the morning. The terms of that letter are contradictory to the terms of the letter filed with you. ... (Interruptions)

SHRI SHAMNANDAN MISHRA : Therefore, right in the beginning of my speech I had submitted that there had been tampering with records and I would refer to it in my reply. I have said that right in the beginning. Therefore, I am confirmed in my view and I leave it to the House and to the entire world to judge who has tampered with it.

I am making an offer again : Let us go to the Privileges Committee. They can decide, if I have tampered with it. I repeat it a thousand times that I am prepared to go to the Privileges Committee if they have the courage to refer it to the Privileges Committee.

SHRI H. N. MUKERJEE : You may appoint an *ad hoc* committee so that this matter might be settled. We are all hon. Members of this House and we hear allegations of forgery. I want to have an end of the matter. A person who has committed forgery has no business to be in this House. If the Government knows that somebody has committed forgery, there should be a motion to disqualify him from Membership of the House. If charges are made, how do I make up my mind? How does the country make up its mind? You must know. He accepts the challenge. Are we to go back with this impression when accusations of forgery are being hurled against one another?

MR. SPEAKER : One matter is already before the House. It is for the House to decide.

SHRI H. N. MUKERJEE : I want your ruling. This is a point of order. I want your direction. Are we to judge that he is a forger or he is a forger on that side? Are we deciding that? Who is deciding?

SHRI C. M. STEPHEN : Why this indignation of Prof. Mukherjee? What is the basis of the whole thing? He made a statement knowing it to be forged, believing it to be untrue and made allegations against the Minister on misrepresentation of facts before the House ... (*Interruptions*)

SHRI H. N. MUKERJEE : I want you to forget the motion. In this House an accusation of forgery has been mutually hurled. One Member has offered to appear before any committee. Privileges or whatever else. Government might also offer, I do

not know. But I want to be satisfied on this point. We are Members of this House. No allegations of forgery against a Member or the Government should remain uninvestigated. I am not going to go back to my constituency, I want you to tell me something about this....

MR. SPEAKER : Please do not do it. Please resume your seat.

SHRI H. N. MUKERJEE : I do not want to take part in this miserable debate. It is utterly miserable.

SHRI C. M. STEPHEN : Why did you not feel agitated earlier? Why are you agitated now? What does the hon. Member say? The whole thing was started on an allegation against which anybody will feel aghast. What does it say? It says that the Minister, knowing it to be false, believing it to be untrue with the intention of deceiving the House made certain statements... (*Interruptions*)

MR. SPEAKER : Order please, I am not allowing you. Unless one matter is disposed of I cannot give consideration to other matters. This matter is already before the House.

SHRI JYOTIRMOY BOSU : Why is the Government afraid of going before the Privileges Committee? ... (*Interruptions*)

MR. SPEAKER : Unless the matter which we are discussing is disposed of, how can the other matter come up?

SHRI SAMAR GUHA : Sir, I rise on a point of order. This is an issue of an accusation of forgery and tampering made by the Honourable Member. I think the Resolution that was moved is now before the House. That has been debated. As rightly pointed out by Shri Mukherjee, this is an independent issue concerning the honour and integrity of the House. This is a matter of privilege. If this cannot be decided by the House, then you Sir, as the custodian of the honour, dignity and integrity of the House have to decide this issue.

MR. SPEAKER : This is a matter which is under consideration. I shall look into the other matter also, but let there be no discussion in between.

SHRI SAMAR GUHA : I am again repeating that this involves the integrity of this House. And it is your responsibility and you should yourself institute an inquiry.

MR. SPEAKER: You will also accuse me later on. It is for the House to decide. In such matters, it is for the House to decide as to what view they take. If I say something against this side or that, you will not even spare the Speaker.

SHRI PILOO MODY: You can decide about the forgery by a majority. Or you may ask the Minister to withdraw his remarks. Or you may send it to the Privileges Committee. You may do this in your wisdom.

MR. SPEAKER: No, please. I am not going to be dragged into this affair. (*Interruptions*)

SHRI SHYAMNANDAN MISHRA: So, Sir, this is a letter which has neither been denied nor controverted earlier. Now, it is not upto them to come forward and say that there are definite differences between the two letters; estoppel would apply.

Now, another plea that is being invented with regard to the Commanding Officer's letter is this; What has been stated by some of the hon. Members on the other side is this: This was an invalid letter because this referred to something which did not exist. So, this was an invalid letter. That was the plea which was taken by some hon. friends here. (*Interruptions*) Sir, the hon. Defence Minister, in his letter to Shri Tyagi, dated the 25th April, had said that the matter had been taken up with the Haryana Government. He stated in that letter as follows:

"The letter of the Squadron Leader dated was brought to the notice of the Ministry of Defence through appropriate channels on 29th July, 1971."

The letter of the 11th March, 1971 was brought to the notice through the appropriate channels on the 29th July, 1971. The Ministry of Defence wrote to Government of Haryana on the 27th August, 1971 and since then, the matter is under the consideration of the two Governments.

Since the 27th August, 1971 the matter is under the consideration of the State Government—Government of Haryana! It is during this period that we underwent the war with Pakistan. It is during this period that the construction of the Maruti Ltd. commenced and it has gone up to the

point at which it happens to be at present. It is exactly during this period when they slept over this letter and they did not want this letter to be implemented.

Mr. Shukla said that there had been de-requisitioning of certain areas and therefore there was a change in the situation. De-requisitioning or requisitioning has absolutely no relevance to the imposition of restrictions. The land may be in the possession of S. N. Mishra and yet it can be subject to the restrictions under the Act of 1903.

Then he said, there is no ammunition depot in that sense. May I ask you to send your Secretary just now to the lobby, telephone and ring up this number?

MR. SPEAKER: Don't use us for this purpose. Have your own agency.

SHRI SHYAMNANDAN MISHRA: These are the numbers of the ammunition depot 391730 and 391242. If you ring up these numbers and ask for ammunition depot, you will get the ammunition depot. This is the ammunition depot which exists now, and there is an officer there who will attend to your call. My submission is this: whether the ammunition depot belongs to the Air Force or to the Army, it remains an ammunition depot. The Minister was keen to interpolate the word 'army', which was in fact a semantic deception. The word 'army' does not occur in the notification of 1962. He was trying to interpolate that word only with a view to invalidating the operation of the notification of 1962. Whether the ammunition depot is big or small—that also does not matter at all. But the ammunition depot is there. Therefore, I would say, the laws have been fully effective and the notifications have been fully operative. But it is only due to the lack of inclination on the part of Government to implement them that we find ourselves in this situation.

19.00 hrs.

Mr. Subramaniam, the Minister for Industrial Development, said that in the application it was mentioned that the location of the Maruti Limited would be 'Haryana'. I am quoting from a document which relates to the Licensing Committee. The Licensing Committee mentioned the location as "Gurgaon". That is the difference. Here also they have tried to blur the whole thing so that the House may not be able to know

[Shri Shyamnandan Mishra]

the distinction between the two. The description in the Licensing Committee note does occur in the way in which I have submitted before the House regarding the location of the Maruti Limited, namely, "Gurgaon". It is not mentioned "Gurgaon district". So, that point is also taken care of.

When Mr. Shukla made the remark gratuitously that the Maruti Limited was not even conceived of in 1969 he was completely wrong. He has been found to be wrong even on that account here during the course of the discussion that we had.

Lastly, there has been a demand by all parties on this side of the House that there should be a Committee of Parliament to go into the entire gamut of the matter, all aspects of the matter. It is a case of violation all along the line, whether you go into the capital structure, land acquisition or the defence rules and regulations. So, let there be a parliamentary committee to probe this matter. Indeed, the Prime Minister had conceded the need for instituting such a public probe in her speech in a meeting at Lucknow. We would like the Prime Minister to act upon that. This is the demand of the entire opposition. There is no difference on this; all hon'ble members who have spoken from this side of the House have stressed the need for the appointment of such a Committee.

May I say that we all read Ramayana and in the Ramayana, it is said that Lord Rama knew that Sita was pure. In the Valmiki Ramayana, Lord Rama says :

अन्तरात्मा च मे वेत्ति सीतां बुद्ध्वा यशस्विनीम् ।

Rama's heart knew that Sita was pure. Yet, Sita had to undergo the fiery ordeal and she had also to be banished. Let the Prime Minister think about the whole matter. May be, Shri Sanjay Gandhi, a bright young man, had done everything on his initiative and he did not want these fantastic irregularities to be committed for him. It may be, the obliging Chief Minister of Haryana wanted to do these on his own. But I would

repeat that he has indulged in these fantastic irregularities in order to put the Prime Minister in a situation of blackmail so that no action could be taken against him. Therefore, my submission is that the Prime Minister, in the interest of preserving her own fair name, should appoint a Parliamentary Committee, I would conclude by quoting a few lines from W. B. Yeats, the great poet in Old Stone Cross.

MR. SPEAKER : From Ramayana to W. B. Yeats ?

SHRI SHYAMNANDAN MISHRA : I can quote from Guru Granth Sahib also.

It says :

"A statesman is an easy man;
He tells his lies by rote.

A journalist makes up his lies;
And takes you by the throat.

So stay at home and drink your beer;
And let the neighbours vote."

Since we know in what way some of the politicians behave, that is the comment which I would like to make in the words of W. B. Yeats.

MR. SPEAKER : The question is :

"That this House deplores the conduct of Shri C. Subramaniam, Minister of Industrial Development, Shri V. C. Shukla, Minister of State for Defence Production and Shri H. R. Gokhale Minister of Law, Justice and Company Affairs for misleading the House in their statements made in the House on the 22nd December, 1972, 1st March, 1973 and 7th March, 1973 with regard to the violation of the provisions of and orders made under the Indian Works of Defence Act, 1903 in spite of objections taken by the appropriate Defence authorities."

The motion was negatived.

MR. SPEAKER : I now adjourn the House *sine die*.

19.05 hrs.

The Lok Sabha then adjourned *sine die*.